

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Proclamation declaring October 15, 2005 as "MAKE A DIFFERENCE DAY".

BACKGROUND OR HISTORY:

The many social and economic needs in our County and the importance of personal responsibility can be highlighted through adoption of the proclamation declaring "MAKE A DIFFERENCE DAY".

SPECIAL CONSIDERATIONS OR CONCERNS:

- The Oconee Volunteer and Information Service (OVIS), as the local facilitator for observance of the annual "MAKE A DIFFERENCE DAY".
- Executive Director Kathleen Grant will be present at Council Meeting to receive this proclamation in a photo opportunity setting.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Adoption of the proposed proclamation and presentation to Executive Director, Kathleen Grant.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Proposed proclamation
Submitted or Prepared By:


Opal O. Greco
Department Head

Reviewed By/ Initials:

N/A County Attorney

N/A Finance

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

N/A Other

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

PROCLAMATION

WHEREAS, there are many social and economic needs in our County, especially with the high rate of unemployment; and

WHEREAS, the Oconee Volunteer and Information Service is the local facilitator for the annual "Make a Difference Day" activities; and

WHEREAS, the commencement of "Make a Difference Day" will be October 15, 2005 from 10:00 am until 1:00 pm at the Shaver Recreation Center, Seneca, SC; and

WHEREAS, participants will be encouraged to engage in projects during the week leading up to the "National Make a Difference Day" which is October 22, 2005.

NOW THEREFORE, we, the Oconee County Council do hereby this 20th day of September 2005 proclaim October 15, 2005 as "**Make a Difference Day**" in Oconee County and urge all residents to engage in projects that will be beneficial to their community.

Approved this 20th day of September 2005.

H. Frank Ables, Jr., Chair
Oconee County Council

Attest:

Opal O. Green
Clerk to Council



OVIS (Oconee Volunteer and Referral Service)

United Way Building, 409 East North First Street, Suite E
Seneca, SC 29679

August 26, 2005

Mr. Ron Rabun, Chairman
Oconee County Council
415 S. Pine Street
Walhalla, SC 29691

Dear Mr. Rabun:

The Oconee Volunteer and Information Service (OVIS) is the local facilitator for the annual Make a Difference Day activities. This year, the kickoff will be held on October 15 from 10:00 AM to 1:00 PM at the Shaver Recreation Center in Seneca. Participants will be encouraged to do projects during the week leading up to October 22, 2005 -- the National Make a Difference Day.

I am writing to request the County Council prepare a resolution or proclamation to officially designate October 15 to be "Make a Difference Day" for Oconee County. Attached is a sample resolution. It is my hope that you could present the document to me or a member of the OVIS board of directors as a photo opportunity with one or more members of the press in attendance at the end of September.

There are so many needs in this county, especially with our high rate of unemployment. Make a Difference Day is a wonderful way to highlight that each person can make a difference and the county will be greatly improved by doing so.

Thank you very much for your consideration. If you have any questions about this, please call me at 882-8891 or send me an e-mail at OVIS@netmds.com.

Sincerely,

Kathleen Grant
Executive Director

Phone: (864) 882-8891

E-mail: OVIS@netmds.com

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 p.m.

ITEM TITLE OR DESCRIPTION:

Announcement of Federal Emergency Management Agency (FEMA) grants awarded to Two (2) Fire Stations: Friendship and Pickett Post Volunteer Fire Stations.

BACKGROUND OR HISTORY:

In the Spring of 2005 the Friendship and Pickett Post Volunteer Fire Stations successfully applied for Federal FEMA grants that were awarded August 2005. These two grants provide funds to purchase a variety of equipment and personal protective gear for both these Fire Stations (list attached).

- **Friendship Fire Station**
Total Grant Award = \$86,292.00
Local Match = \$4,542.00
- **Pickett Post Fire Station**
Total Grant Award = \$140,710.00
Local Match = \$7,406.00

The grant match funds for these grants were placed in the supplemental budget last fiscal year (2004-2005) and approved by Council.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Friendship and Pickett Post Fire Stations operate as exemplary units. They answer almost 200 calls per year and have a 100% call response record. Their importance in their community cannot be overrated, as they are the first line of defense against fire in their community. The funds available to the Fire Stations in the FEMA grant will enable them to purchase much needed supplies and equipment. For example, these grants will provide funds for the purchase of items such as radios, personal protective equipment, air packs, a light tower with generator, and a thermal imaging camera.

STAFF RECOMMENDATION:

Grant match funds for these grants were placed in the supplemental budget last fiscal year (2004-2005). Staff recommendation is for the approval of the local grant matches.

FINANCIAL IMPACT:

- Friendship Fire Station Local Grant Match = \$4,542.00
- Pickett Post Fire Station Local Grant Match = \$7,406.00

Grant match funds for these grants were set aside in the supplemental budget last fiscal year (2004-2005).

ATTACHMENTS:

Equipment List

Submitted or Prepared by:

Valanda Henderson-Joy
(Department Head/Elected Official)

Approved By:

Ron H. Rabun
Ron H. Rabun
Geonee County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

Federal Emergency Management Agency Grants

Equipment List

Equipment	Quantity
------------------	-----------------

- Pickett Post Fire Station

K-12 Power Saw	1
Thermal Imaging Camera	1
Ventilation Chain Saw	1
Helmets	27
Turn-out Coats	27
Bunker Pants	27
Bunker Boots	29
Suspender Sets	27
Wild Land Fire Fighting Turn Out Gear	29
Wild Land Fire Fighting Helmets	29
Gloves	30
Flashhoods	30
Self-contained Breathing Apparatus	12
Auto Extrication Equipment	

- Friendship Fire Station

Radios	4
Thermal Imaging Camera	1
Light Tower w/ Generator	1
Turn-out Gear	16
Self-contained Breathing Apparatus	10
Face pieces	16

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Grant application request for Emergency Medical Services Community Assistance Program.

BACKGROUND OR HISTORY:

Oconee County has been a recipient of the state-provided EMS Grant-in-Aid over the last several years. This grant provides funds to purchase a variety of equipment and protective gear for the EMS services provided by Oconee Memorial Hospital. The equipment requested in this grant application will serve to enhance the service that EMS is able to offer the community.

An Oconee County Council local match is not required. **Oconee Memorial Hospital provides the match.** This grant comes through the County's Grants Administrator for monitoring purposes only.

SPECIAL CONSIDERATIONS OR CONCERNS:

The funds available to Oconee Memorial Hospital EMS in this state DHEC Grant-in-Aid program will allow the Hospital to purchase much needed medical equipment. For example, the Ferno Chair is a stretcher that folds into a vertical chair, enabling EMS to remove patients from mobile homes or down stairways that have tight 90° turns that would not otherwise accommodate a traditional stretcher. The Zoll M Series Biphasic Defibrillator is a piece of equipment that serves as a pacemaker, defibrillator, and cardiac monitor. The Datascope Accutorr Plus Automatic Blood Pressure Monitor not only monitors blood pressure, but also oxygen levels automatically, enabling EMS staff to focus on other life saving tasks. This is particularly important as the State requires blood pressure monitoring in patients on certain medication every 10 minutes. Purchase of a Reeves Sleeve, a demobilization device, will ensure that EMS staff is not harmed by combative patients.

STAFF RECOMMENDATION:

Authorization for Oconee Memorial Hospital EMS to apply for the state EMS Grant-in-Aid program as described above.

FINANCIAL IMPACT:

EMS Grant-in-Aid request = \$23,435.00

Local Cash Match (PAID by OMH) = \$1,749.00

An Oconee County Council local match is not required. Oconee Memorial Hospital pays the match. This grant comes through the County's Grants Administrator for monitoring purposes only.

ATTACHMENTS:

Equipment List (11 items)

Submitted or Prepared by:
Veronda Holcombe-Lewis

Veronda Holcombe-Lewis
(Department Head)

Approved By:

Ron H. Rabun

Ron H. Rabun,
Oconee County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

**SC DHEC Emergency Medical Services Community EMS
Assistance Program**

Equipment List

Equipment	Quantity
Stryker Stretcher	1
SSCORT -2 Suction Unit	1
Reeves Sleeve	1
Ferno Stretcher Chair	1
Zoll M Series Biphasic Defibrillator w/ Extreme Case	1
Datascope Accutorr Plus Automatic Blood Pressure Monitor	1
Intubation Kit w/ Case	1
Globe EMS Extraction Jackets	6
Pelican Case w/ Divider and Organizers	2
Lite Box-Direct Wire	1
Inflatable Child Car Seat	1

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Acceptance of Phil Shirley's resignation as a member of the Oconee County Recreation Commission, representing County Council District III and appointment of a replacement member.

BACKGROUND OR HISTORY:

Mr. Shirley has been hired by Mr. Rabun as Director of the Oconee County Parks, Recreation & Tourism therefore he cannot continue to serve as a member of the Recreation Commission.

SPECIAL CONSIDERATIONS OR CONCERNS:

As described above:

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Acceptance of Mr. Shirley's resignation and appointment of a District III representative on the Recreation Commission to fill Mr. Shirley's unexpired term through December 31, 2007.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Letter of resignation
Submitted or Prepared By:

Opal O. Green
Department Head
Reviewed By/ Initials:

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

_____ County Attorney

_____ N/A _____ Other

_____ Finance

Mr. Tim Mays, Chairman
Oconee County Recreation Commission

September 6, 2005

Letter of Resignation
Oconee County Recreation Commission

I, Phillip S. Shirley, hereby resign effective September 6, 2005 as commission member serving on the Oconee County Recreation Commission in order to accept the position of Director of Parks, Recreation & Tourism for Oconee County. Thank You!

Phillip S. Shirley

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Request for approval of a new "District Funds Proposal", approved in Recreation Commission 9/12/05 by unanimous vote.

BACKGROUND OR HISTORY:

This is a proposal to create a new "funding vehicle" with existing budgeted funds to allow the five (5) recreation districts to complete large scale projects. These new funds are proposed to be set aside at \$2,500 per district from existing appropriations to create a special sum of \$12,500 annually. These funds will create a "rotating funding vehicle", which each district will receive once over a five year period for large capital projects. The Recreation Commission shall set the order of delegation with Westminster being first to complete a much needed air conditioning project at the Cleveland Civic center at an approximate cost of \$49,000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Each Recreation District must present their large project in writing, with endorsement of City Council or President of Association, the particular project to be completed, location and scope of project, as well as budget and time line for completion. All requested funds shall be spent by fiscal year-end. Each district project, upon completion, must present a final budget report with copies of all invoices and proof of cancelled checks both front and back, to the Recreation Commission, County Finance and Oconee County Council. Projects must be approved in advance by Oconee County Recreation Commission and Oconee County Council. All recreation/sports groups and recreation departments have been contacted and are in favor of this proposed new set aside funding program.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Approval of funding set aside policy for large capital projects.

FINANCIAL IMPACT:

Each district will receive \$12,500 to spend annually, instead of \$15,000 annually, in order to create a new set-aside "rotating funding vehicle" for large capital projects. Each district will receive \$12,500 in special set aside funds once every five (5) years.

ATTACHMENTS:

District Funds Policy
Submitted or Prepared By:

Phil Shirley, PRT Dir.

Department Head
Reviewed By/ Initials:

Approved for Submittal to Council:



Ron H. Rahun, County Administrator

1.

County Attorney

N/A Other

Finance

11

12

13

14

Oconee County, South Carolina
Recreation District Funds Proposal

Motion: To set up a funding program for larger scale capital projects with \$2,500 in annual set aside funds from each of the five eligible recreation districts including Fair-Gak, Salern, Seneca, Wainhalla and Westminster.

The proposed funds will be generated by diverting \$2,500 from each of the five (5) \$15,000 district funding pools of money, for larger projects needed at each district. Under this new proposal, a total of \$15,000 would be funded by Oconee County to each district, but only \$12,500 would be available to each district to spend on a yearly basis, with exception being the guaranteed rotating grant year when \$25,000 is accumulated. The \$25,000 is the funded \$12,500 available to each district annually, plus the rotating funds of \$12,500. The Oconee County Recreation Commission will establish a schedule or list of large capital projects, according to need, that would allow each district to receive the special set-aside allotment once every five years for an approved project. The Recreation Commission would re-evaluate the allotment schedule every five year period.

Each recreation district must present a project request in writing, with endorsement from the district City Council or President of Association, the project to be completed, location and scope of project and time line for completion. All requested money must be spent by current fiscal year end.

Each recreation district must present upon completion of the project a final budget report with copies of all invoices and proof of cancelled checks to the Recreation Commission, County Finance and Oconee County Council.

The approved projects for the first five year period will be set at the November Recreation Commission meeting with Westminster being first on the rotating list.

Projects must be on the official approved list as approved by the Oconee County Recreation Commission and Oconee County Council.

Approved:

Approved in open session by the
Oconee County Council 9/20/05

By: _____
Tim Mays, Chair
Recreation Commission

By: _____
H. Frank Ables, Jr., Chair
Oconee County Council

Date: _____

Date: _____

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 20, 2005
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Consideration of contract with Golden Corner Family Practice, LLC of West Union to provide physician services to inmates at the Detention Center.

BACKGROUND OR HISTORY:

The county has had a contract with Dr. Edward H. Booker, Sr. to treat inmates for several years. When this service was placed for bids a number of years ago, there was no interest shown by other physicians and Dr. Booker was the only one who submitted a bid. Again, in 2003 some local physicians were contacted but none expressed an interest in providing this service.

This fiscal year, Dr. Booker requested an increase in the contract amount to \$45,000. Because he has restructured his practice, he asks that the contract be executed with Golden Corner Family Practice, LLC (not him personally as was done in the past) and Oconee County. He will provide a physician (primarily himself) three days per week (compared with the current two days) for up to two hours per visit. Dr. Booker is seeing more inmates (at least eight more per week) due to an increase in inmate population. He has also experienced significant increases in overhead costs, such as malpractice insurance which is higher because the treatment of inmates. Additionally, the County nurse's phone conferences with Dr. Booker have increased by 50% over the past 3-4 years.

SPECIAL CONSIDERATIONS OR CONCERNS:

Uninterrupted medical care by a physician for inmates is necessary to comply with state minimum standards for local detention centers. Having a physician respond to the Detention Center results in significant savings to the county in health care and transportation costs, and reduces security concerns that would arise if inmates routinely had to be taken outside the facility for this care. If inmates do have to be taken to the office for x-rays or minor surgical procedures, Golden Corner Family Practice is located nearby in West Union, SC.

Also, Dr. Booker is familiar with working in a correctional environment. He is knowledgeable about inmate manipulation and malingering and he is experienced in treating special problems common in a correctional setting, such as drug and alcohol withdrawal.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Staff recommends accepting Dr. Booker's proposal dated February 4, 2005 in the amount of \$33,750 for the period commencing October 1, 2005 through June 30, 2006. This is a prorated amount based on an annual contract of \$45,000.

FINANCIAL IMPACT:

Funds are allocated for this service in the Detention Center budget. (In past years, the contract amount was in a general professional line item).

ATTACHMENTS:

Proposed contract

Submitted or Prepared By:


Marianne A. Dillard, Procurement Director

Approved for Submittal to Council:


Rou H. Rabun, County Administrator

Reviewed By/ Initials:

____ County Attorney

____ OMB

____ DOAS

ESP Department

C: Clerk to Council

STATE OF SOUTH CAROLINA)

MEMORANDUM OF AGREEMENT

COUNTY OF OCOREE)

This Agreement entered into in duplicate originals this _____ day of _____ 200___, by and between Golden Corner Family Practice, L.L.C. (hereinafter referred to as "Physician") and Oconee County (hereinafter referred to as "County");

WHEREAS, Oconee County is a body politic located in Oconee County, South Carolina; and

WHEREAS, the physicians of Golden Corner Family Practice, L.L.C. are licensed to practice medicine in the State of South Carolina and currently have their practice located in Oconee County, South Carolina; and

WHEREAS, the Physician and the County have entered into an Agreement for the furnishing of medical services to the County and now desire to reduce this Agreement to writing;

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Physician agrees to provide, as an independent contractor, routine medical care and treatment to the inmates, sentenced and unsentenced, at the Oconee County Law Enforcement Center.
2. For the services rendered under the terms of this Agreement, County agrees that Physician shall be compensated the sum of forty-five thousand (\$45,000) dollars per year, which shall be billed quarterly by the Physician. Included in this payment shall be ordinary physician fees and charges for routine medical and surgical supplies. Hospital confinements, x-rays, in-house lab work and/or surgeries will be billed in addition to the compensated sum stated above.
3. The Term of this initial Agreement shall be for a period of nine (9) months from the effective date hereof, that is, the Agreement shall commence as of October 1, 2005 until June 30, 2006, and shall automatically renew for additional one-year periods, unless otherwise terminated in writing by either party at least 90 days prior to the end of the contract period.

MEMORANDUM OF AGREEMENT
OCONEE COUNTY & DR. BOOKER
PAGE 2

4. It is mutually understood and agreed that the Physician undertakes the duties and services required of him herein as an independent contractor and that no employer-employee relationship exists between the parties. Physician specifically requests that the consideration to be paid to him under the terms hereof not be subject to payroll or withholding deductions, state, federal or other and that Physician will be solely responsible for reporting the same to taxing authorities. Further, Physician will be responsible for and provide his own professional liability and worker's compensation insurance coverage and will protect and save harmless the County from any claim or suit at law or in equity for damages of any kind, including costs and attorney fees incurred in the defense of any such action arising out of the performance, non-performance, or negligence in the performance of the duties undertaken by Physician herein.
5. Physician agrees to perform the duties undertaken by him pursuant to this Agreement in accordance with accepted medical standards and practice.
6. This Agreement shall not be assigned by either party without prior written consent of the other party hereto.
7. This Agreement is binding upon each of the parties hereto and their Heirs, Administrators, Personal Representatives, Successors and Assigns. By signing below, each party acknowledges receipt of one original of this Agreement.

Witnesses:

By: _____

Edward Henry Booker, M.D.

By: _____

Ron H. Rabun
County Administrator
Oconee County

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Discussion of Ordinance 2005-06 "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION"

BACKGROUND OR HISTORY:

In compliance with FEMA regulations Oconee County Council adopted Ordinance 2005-06 "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION" on August 16, 2005. The objective of the ordinance is to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas and to insure that potential home buyers are notified that property is in a flood area.

SPECIAL CONSIDERATIONS OR CONCERNS:

The provisions of the ordinance are intended to minimize damage to public facilities and utilities, such as water and gas, electric, telephone and sewer lines, streets and bridges located in the floodplain as well as minimization of the expenditures of public funds for costly flood control projects and rescue and relief efforts associated with flooding.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Discussion of this adopted ordinance is requested by Council Member Steven Moore due to the apparent conflicts with the Federal intent to rebuild below sea level properties destroyed during Hurricane Katrina in September 2005.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Letter to Congressman Barrett & Ordinance 2005-06
Submitted or Prepared By:

Opal O. Green
Department Head

Reviewed By/ Initials:

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

_____ County Attorney

_____ N/A _____ Other

_____ Finance

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Discussion of Ordinance 2005-06 "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION"

BACKGROUND OR HISTORY:

In compliance with FEMA regulations Oconee County Council adopted Ordinance 2005-06 "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION" on August 16, 2005. The objective of the ordinance is to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas and to insure that potential home buyers are notified that property is in a flood area.

SPECIAL CONSIDERATIONS OR CONCERNS:

The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas, electric, telephone and sewer lines, streets and bridges located in the floodplain as well as minimization of the expenditures of public funds for costly flood control projects and rescue and relief efforts associated with flooding.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Discussion of this adopted ordinance is requested by Council Member Steven Moore due to the apparent conflicts with the Federal intent to rebuild below sea level properties destroyed during Hurricane Katrina in September 2005.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Letter to Congressman Barrett & Ordinance 2005-06

Submitted or Prepared By:

Opal O. Green
Department Head

Reviewed By/ Initials:


Approved for Submittal to Council:


Ron H. Rabun, County Administrator

_____ County Attorney

___ N/A ___ Other

_____ Finance



Oconee County
Council Office

September 14, 2005

The Honorable J. Gresham Barrett
United States Congress
1523 Longworth House Office Building
Washington, DC 20515

Dear Congressman Barrett:

As you are aware there are a few areas in Oconee County that can become flooded during heavy rains. Therefore, in accordance with FEMA regulations the Oconee County Council has adopted an ordinance to provide for flood damage prevention.

I understand and support the desire for the citizens of New Orleans to return to their homes. I understand the necessity of spending federal tax funds for this to happen. However, my question to you and the entire Congress is should we make it difficult for United States citizens to construct structures in flood plain areas when we are going to spend millions of dollars to rebuild a city that is below sea level?

I would certainly appreciate your support in removing these regulations that make construction of structures difficult in some areas of Oconee County.

Sincerely,



Steven R. Moore
District I Council Member
Oconee County

SKN/og

Ronald H. Rabun
Administrator

Oconee County
Administrative Offices
415 South First Street
Wahalla SC 29591

Phone: 864-715-1023
Fax: 864-710-1024

E-mail:
ogreen@oconee.org

Steven R. Moore
District I
Thomas S. Crumpton
District II
William Ritchie
District III
Marion E. Lyles
District IV
B. Frank Ayres, Jr.
District V



OCONEE COUNTY FLOOD ORDINANCE

Adopted 16 August, 2005

OCONEE COUNCIL COUNCIL

ORDINANCE 2005-06

"AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION"

ARTICLE 1.

GENERAL PROVISIONS

SECTION ONE. Statutory Authorization

The Legislature of the State of South Carolina has in SC Code of Laws, title 4, Chapters 9 (Article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Oconee County Council Ordinance 87-4 "AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION" is amended as follows:

SECTION TWO. Findings of Fact

2.1: The flood hazard areas of unincorporated Oconee County, South Carolina are subject to periodic inundation which results in the loss of life, property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2.2: These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.

SECTION THREE. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

OCONEE COUNTY FLOOD ORDINANCE

Adopted 16 August, 2005

3.1: Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

3.2: Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3.3: Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

3.4: Control filling, grading, dredging and other development which may increase erosion or flood damage; and

3.5: Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION FOUR. Objectives

4.1: It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.2: The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

OCONEE COUNTY FLOOD ORDINANCE

Adopted 15 August, 2005

4.3: Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

SECTION FIVE. Lands to which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Oconee County, South Carolina as identified by the Federal Emergency Management Agency in its flood boundary and floodway maps (FHM) # 450157, dated November 25, 1977 with accompanying maps and other supporting data, and any revision thereto, which are hereby adopted and declared to be a part of this ordinance.

SECTION SIX. Establishment of Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION SEVEN. Compliance

No structure or land shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION EIGHT. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION NINE. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

9.1: Considered as minimum requirements;

OCONEE COUNTY FLOOD ORDINANCE

Adopted 16 August, 2005.

9.2: Liberally construed in favor of the governing body; and

9.3: Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION TEN. Partial Invalidity and Severability.

If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

SECTION ELEVEN. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Oconee County, South Carolina, or by any officer or employee of the county thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION TWELVE. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. **Each day such violation continues shall be considered a separate offense.** Nothing contained in this ordinance shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

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ARTICLE 2.

Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory Structure - structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a fire wall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Agricultural structure - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are **not** exempt from the provisions of this ordinance.

Appeal - a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance.

Area of shallow flooding - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard - the land in the floodplain within a community subject to a one percent or greater chance of being equalled or exceeded in any given year.

Base flood - the flood having a one percent chance of being equalled or exceeded in any given year.

Basement - means any enclosed area of a building which is below grade on all sides.

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Building - any structure built for support, shelter, or enclosure for any occupancy or storage.

DHS-FEMA- Department of Homeland Security-Federal Emergency Management Agency

Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building - a non-basement building built to have the lowest floor elevated above the ground level by means of fill; solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Existing construction - means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

Existing manufactured home park or manufactured home subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 3rd 1987.

Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

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Flood-resistant material - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable are not acceptable. Materials which absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FLA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally dependent facility - a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.

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Increased Cost of Compliance - Those expenses a property owner must incur, above and beyond the cost to repair the physical damage the structure actually sustained from a flooding event, to comply with the mitigation requirements of the State or local flood damage prevention ordinance, laws or regulations. Acceptable mitigation measures are elevation, floodproofing, relocation, demolition, or any combination thereof.

Limited storage - an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and AI-A30 zone it must meet the requirements of art. 4, sec.2, para.2.5 of this ordinance.

Lowest Floor - the lowest floor of the lowest enclosed area. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

North American Vertical Datum (NAVD) - datum point established at Pointe-au-Père on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on Flood Insurance Rate Maps should be used for Elevation Certificate and floodproofing certificate completion.

New construction - structure for which the start of construction commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

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New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after 3 March, 1987.

Recreational vehicle - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently tow-able by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

Substantial damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Please refer to the definition of "substantial improvement".

Substantial improvement - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement

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official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance - the grant of relief from a term or terms of this ordinance.

ARTICLE 3.

Administration

SECTION ONE. Designation of Local Administrator.

The Flood Plain Administrator in close coordination with the Building Code Director is appointed to administer and implement the provisions of this ordinance.

SECTION TWO. Development Permit and Certification Requirements.

Application for a development permit shall be made to the county on forms furnished by the Building Code Director, prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

2.1: A plot plan that shows the 1% (100-year) floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Department of Homeland Security - Federal Emergency Management Agency (DHS - FEMA) or the floodplain identified pursuant to either Art.3, Sec.3, Para.3.9 or Art.4, Sec.3, and Art.4, Sec.4. The plot plan must be prepared by or under the direct supervision of a South Carolina Registered Land Surveyor or Professional Engineer and certified by same.

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2.2: The plot plan required by Art. 3, Sec. 2, Para. 2.1 must show the floodway, if any, as identified by the Department of Homeland Security - Federal Emergency Management Agency (DHS - FEMA) or the floodway identified pursuant to either Art. 3, Sec. 3, Para. 3.9 or Art. 4, Sec. 3 and Art. 4, Sec. 4.

2.3: Where base flood elevation data is provided as set forth in Art. 1, Sec. 5 or Art. 3, Sec. 3, Para. 3.9, the application for a development permit within the flood hazard area shall show:

2.31: the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

2.32: If the structure will be floodproofed in accordance with Art. 4, Sec. 2, Para. 2.2, the elevation (in relation to mean sea level) to which the structure will be floodproofed.

2.4: If no base flood elevation data is provided as set forth in Art. 1, Sec. 5, or Art. 3, Sec. 3, Para. 3.9, the application for a development permit must show construction of the lowest floor at least three (3) feet above the highest adjacent grade.

2.5: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report utilizing detailed methods accepted by DHS-FEMA, US Army Corps of Engineers and any other applicable Federal or State regulatory agencies, on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream, and, a map showing the location of the proposed watercourse alteration or relocation, and notification of the proposal to the appropriate authorities of all affected agencies. A copy of the notification shall be maintained in the permit records and submitted to the Department of Homeland Security-FEMA, National Flood Insurance Program. Prior to the commencement of any work on the alteration of a water course, the applicant must procure and submit to the Flood Plain Administrator any applicable Federal or State approvals or permits, including a Conditional Letter of Map Revision (CLOMR).

2.6: When a structure is floodproofed, the applicant shall provide certification from a registered professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in Art. 4, Sec. 2, Para. 2.2.

2.7: A floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Flood Plain Administrator a certification of the elevation of the lowest floor, or

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floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a South Carolina Registered Land Surveyor or Professional Engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The Flood Plain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

2.8: Upon completion of the development a South Carolina Registered Professional Engineer, Land Surveyor or Architect, whichever professional is appropriate, shall certify that the development is built in accordance with Art. 3, Sec. 2, Para. 2.6 and Art. 3, Sec. 2, Para. 2.7 and in accordance with the submitted plans and previous pre-development certifications.

2.9: If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Department of Homeland Security-FEMA prior to actual construction.

2.10: Within 60 days of completion of an alteration of a watercourse, referenced in Art. 3, Sec. 2, Para. 2.9, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

SECTION THREE. Duties and Responsibilities of the Flood Plain Administrator.

Duties of the Flood Plain Administrator shall include, but not be limited to:

3.1: Review all development permits to assure that the requirements of this ordinance have been satisfied.

3.2: Advise permittee that additional federal or State permits may be required, and if specific federal or State permits are required that copies of such permits be provided and maintained on file with the development permit.

3.3: Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for Flood Mitigation Programs for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Department of Homeland Security-FEMA.

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3.4: In addition to the notifications required in Art.3, Sec.3, Para.3.3, a program shall be established by the person altering the watercourse to maintain the watercourse and written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file in the local office for the Department of Homeland Security-FEMA, National Flood Insurance Program inspection.

3.5: Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 4 are met.

3.6: Obtain actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with Art.3, Sec.2, Para.2.7.

3.7: Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Art.3, Sec.2, Para.2.7.

3.8: When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Art.4, Sec.2, Para.2.2.

3.9: When interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

3.10: When base flood elevation data or floodway data has not been provided in accordance with Art.1, Sec.5, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, State, or other source, including data developed pursuant to Art.3, Sec.4, Para.4.3, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

3.11: When the exact location of boundaries of the area's special flood hazards conflicts with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Flood Plain Administrator in the permit file.

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3.12: Make on-site inspections of projects in accordance with Art.3, Sec.4.

3.13: Consult with The Building Codes Director, on the need to serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Art.3, Sec.4.

3.14: Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

3.15: To determine damage to structures located in the Area of Special Flood Hazards, regardless of the source of the damage, and to further determine if the damage is considered "substantial damage" and/ or a repetitive loss due to flooding in accordance with Article 2, and notify the owner of the property of such flooding. If the damage to the structure is caused by flooding and is determined to be substantial damage or is a repetitive loss, and the structure is covered by the NFIP insurance program, the structure may be eligible for the Increased Cost Coverage (ICC) provision under NFIP.

SECTION FOUR. Administrative Procedures.

4.1: Inspections of Work in Progress - As the work pursuant to a permit progresses, the Building Codes Director and/or the Flood Plain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Building Codes Director and/or the Flood Plain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

4.2: Stop-Work Orders - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Building Codes Director and/or the Flood Plain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

4.3: Revocation of Permits - The Building Codes Director or designee may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

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4.4: Periodic Inspections - The Building Codes Director or designee and/or the Flood Plain Administrator shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

4.5: Violations to be Corrected - When the Building Codes Director or the Flood Plain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

4.6: Actions in Event of Failure to Take Corrective Action - If the owner of a building or property shall fail to take prompt corrective action, the Building Codes Director or Flood Plain Administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

4.61 - the building or property is in violation of the Flood Damage Prevention Ordinance;

4.62 - a hearing will be held before the Building Codes Director and the Flood Plain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

4.63 - following the hearing, The Building Codes Director may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

4.7: Order to Take Corrective Action - If, upon a hearing held pursuant to the notice prescribed above, the Building Codes Director or the Flood Plain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall issue an order in writing to the owner, requiring the owner to remedy the violation within a period of time not less than 60 days. Where the Building Codes Director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

4.8: Appeal - Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the Building Codes Board of Appeals or the Flood Plain Administrator and the county clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Building Codes Director shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

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4.9: Failure to Comply with Order - If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished according to the provisions of Article I, Section Twelve.

ARTICLE 4.

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION ONE. General Standards.

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:

1.1: All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

1.2: All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage;

1.3: All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

1.4: Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;

1.5: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

1.6: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

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1.7: On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

1.8: Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.

1.9: Non-Conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

1.10: American with Disabilities Act (ADA). A building must meet the specific standards for floodplain construction outlined in Art.4, Sec.2, as well as ICC/ANSI A117.1-1998. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

SECTION TWO. Specific Standards:

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Art.1, Sec.5 or Art.3, Sec.3, Para.3.9, the following provisions are required:

2.1: Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than three (3) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Art.4, Sec.2, Para.2.5.

2.2: Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than three (3) feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Art.4, Sec.2, Para.2.5. No basements

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are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Art. 3, Sec. 2, Para. 2.7 and Art. 3, Sec. 2, Para. 2.9. A variance may be considered for wetlandproofing agricultural structures in accordance with the criteria outlined in Art. 5, Sec. 4 of this ordinance. Agricultural structures not meeting the criteria of Art. 5, Sec. 4 must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures which are floodproofed are required to have an approved maintenance plan with an annual exercise. The maintenance plan must be approved by the Building Codes Director and the Flood Plain Administrator and notification of the annual exercise shall be provided to same.

2.3: Manufactured Homes.

2.31 - Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than three (3) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2.32 - Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Art. 4, Sec. 2, Para. 2.31 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than three (3) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

2.33 - Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

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2.34 -An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Flood Plain Administrator and the local Emergency Preparedness coordinator.

2.4: Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the requirements of Art.3, Sec.2 and Art.4 and Art.4, Sec.2, Para.2.3.

2.5: Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

2.51 -Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

2.511 -Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2.512 -The bottom of all openings shall be no higher than one foot above grade;

2.513 -Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,

2.514 - Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

2.52 -Hazardous Velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

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2.53 - Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

2.54 - The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Art.4, Sec.2, Para.2.1, Art.4, Sec.2, Para.2.2 and Art.4, Sec.2, Para.2.3.

2.55 - All construction materials below the required lowest floor elevation specified in Art.4, Sec.2, Para.2.1, Art.4, Sec.2, Para.2.2 and Art.4, Sec.2, Para.2.3 shall be of flood resistant materials.

2.6: Temporary Development. Certain types of structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or floodproofing criteria of Art.4, Sec.2, Para.2.1 and Art.4, Sec.2, Para.2.2, respectively, provided that the following criteria are met:

2.61 - All applicants must submit to the Flood Plain Administrator, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:

2.611 - a specified time period for which the temporary use will be permitted;

2.612 - the name, address and phone number of the individual responsible for the removal of temporary structures or development;

2.613 - the time frame prior to the event at which any structures will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

2.614 - a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;

2.615 - designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;

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2.616 - a determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond; and,

2.617 - a plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.

2.62 - The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.

2.63 - The structure will not remain on the property for more than 180 days.

2.7: Accessory Structures. An accessory structure or garage, the cost of which is greater than \$2500, must comply with the elevated structure requirements of Art.4, Sec.2, Para.2.2 and Art.4, Sec.2, Para.2.5. When accessory structures of \$2500 or less are to be placed in the floodplain, the following criteria shall be met:

2.71 - Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

2.72 - Accessory structures shall be designed to have low flood damage potential;

2.73 - Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

2.74 - Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;

2.75 - Service facilities such as electrical and heating equipment shall be installed in accordance with Art.4, Sec.1, Para.1.4; and

2.76 - Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Art.4, Sec.2, Para.2.5.

2.8: Floodways. Located within areas of special flood hazard established in Art.1, Sec.5, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

2.81 - No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment

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would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Flood Plain Administrator.

2.82 - If Art. 4, Sec. 2, Para. 2.81 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

2.83 - Stream crossings for any purpose (i.e., timber harvesting operations), if temporary, shall be permitted in accordance with Art. 4, Sec. 2, Para. 2.6. Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Article 4.

2.84 - No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Art. 4, Sec. 2, Para. 2.3 are met.

2.85 - Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-rise certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.

2.9: **Fill.** Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least three (3) feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area.

2.91 - Fill may not be placed in the floodway unless it is in accordance with Art. 4, Sec. 2, Para. 2.81.

2.92 - Fill may not be placed in tidal or non-tidal wetlands without the required State and Federal permits.

2.93 - Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.

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2.94 - Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;

2.95 - Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and,

2.96 - The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

SECTION THREE. Standards for Streams Without Established Base Flood Elevations And/Or Floodways.

Located within the areas of special flood hazard established in Art.1, Sec.5, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

3.1: No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

3.2: If Art.4, Sec.3, Para.3.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 4 and shall be elevated or floodproofed in accordance with elevations established in accordance with Art.3, Sec.3, Para.3.9. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used. When base flood elevation data is not available from a federal, State, or other source, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

SECTION FOUR. Standards for Subdivision Proposals.

4.1: All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. An access road at or above the base flood elevation shall be provided to allow emergency access during flood conditions;

4.2: All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

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4.3: All subdivision proposals greater than five (5) acres or more than fifty (50) lots require a study using detailed methods acceptable by the Department of Homeland Security-FEMA. The study will utilize floodplain geometry, hydrology and hydraulics to analyze the pre and post development conditions. All studies shall take into consideration a "full build out" condition for the studied watershed area. Such analysis shall be undertaken by a S.C. licensed Professional Engineer, who shall certify that the technical methods used reflect currently accepted engineering practices. Studies, analysis, and computations shall be submitted in sufficient detail to allow review and approval by the Planning Department. In addition the study information will be provided in a digital format compatible with the requirements and standards of The Oconee County Geographic Information System (GIS) Department. The accuracy of the data submitted for the Subdivision proposal shall be the sole responsibility of the applicant. Upon the acceptance by the County Planning Department the applicant shall submit to DHS-FEMA a Conditional Letter of Map Amendment (CLOMA) for review and upon completion of the development the applicant shall apply to DHS-FEMA for a Letter of Map Amendment (LOMA).

SECTION FIVE. Standards for Areas of Shallow Flooding (AO Zones).

Located within the areas of special flood hazard established in Art. I, Sec. 5, are areas designated as shallow flooding. The following provisions shall apply within such areas:

5.1: All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

5.2: All new construction and substantial improvements of non-residential structures shall:

5.21 - have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade, or,

5.22 - be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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ARTICLE 5.

VARIANCE PROCEDURES

SECTION ONE. Establishment of Appeal Board.

The appeal board as established by Oconee County shall hear and decide requests for variances from the requirements of this ordinance.

SECTION TWO. Right to Appeal.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

SECTION THREE. Historic Structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

SECTION FOUR. Agricultural Structures.

Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program, document number FIA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Art.5, Sec.8, Para.8.4, this section, and the following standards:

4.1: Use of the structure must be limited to agricultural purposes as listed below:

4.11 - pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment.

4.12 - steel grain bins and steel frame corn cribs.

4.13 - general purpose barns for the temporary feeding of livestock which are open on at least one side.

4.14 - for livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of

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such structures must meet the elevation requirements of Art. 4, Sec. 2, Para. 2.2 of this ordinance; and,

4.15 - detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are no greater than 400 square feet in area.

4.2: The agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation;

4.3: The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;

4.4: The agricultural structure must meet the venting requirement of Art. 4, Sec. 2, Para. 2.5 of this ordinance;

4.5: Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with Art. 4, Sec. 1, Para. 1.4 of this ordinance;

4.6: The agricultural structure must comply with the floodway encroachment provisions of Art. 4, Sec. 2, Para. 2.8 of this ordinance; and,

4.7: Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment cranes for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of Art. 4, Sec. 2, Para. 2.6.

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SECTION FIVE. Considerations.

In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- 5.1: the danger that materials may be swept onto other lands to the injury of others;
- 5.2: the danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- 5.3: the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 5.4: the importance of the services provided by the proposed facility to the community;
- 5.5: the necessity to the facility of a waterfront location, where applicable;
- 5.6: the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 5.7: the compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 5.8: the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- 5.9: the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and,
- 5.10: agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

SECTION SIX. Findings.

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

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SECTION SEVEN. Floodways.

Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

SECTION EIGHT. Conditions.

Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variations as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variations.

8.1: Variations may not be issued when the variance will make the structure in violation of other Federal, State, Local laws, regulations, ordinances, or Building Codes.

8.2: Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

8.3: Variations shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

8.4: Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

8.5: The Flood Plain Administrator shall maintain the records of all appeal actions and report any variations to the Federal Emergency Management Agency upon request.

8.6: Variations shall not be issued for un-permitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Art. 5, Sec. 4, Para. 4.5 of this ordinance.

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Adopted 16 August, 2005

ARTICLE 6

LEGAL STATUS PROVISIONS

SECTION ONE. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance.

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 3rd 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Oconee County enacted on March 3rd 1987, as amended, which are not reenacted herein are repealed.

SECTION TWO. Effect upon Outstanding Development permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a development permit has been granted by the Building Code Director or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

SECTION THREE. Disclaimer of Liability:

- (i) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study.
- (ii) Larger floods may occur or flood heights may be increased by man-made or natural causes.
- (iii) This ordinance does not imply that development either inside or outside the Special Flood Hazard Area (SFHA) will be free from flooding or damage.
- (iv) This ordinance does not create liability on the part of the County or any officer or employee thereof, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

OCONEE COUNTY FLOOD ORDINANCE

Adopted 16 August, 2005

SECTION FOUR Effective Date.

This ordinance shall become effective upon adoption.

SECTION FIVE Adoption Certification.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Oconee County Council on the 16th day of August 2005



H. Frank Ables, Jr., Chair
Oconee County Council

Attest:



Opal O. Green
Clerk to Council

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: September 20, 2005
COUNCIL MEETING TIME: 3:00 P.M.

ITEM TITLE OR DESCRIPTION:

Paving contract; status update and authorization to make final preparations to implement \$15 Vehicle Road Maintenance Fee.

BACKGROUND OR HISTORY:

Council approved the 2005-2006 Budget on June 29, 2005, which included the levy of a \$15 per vehicle road maintenance fee to be implemented January 1, 2006. However, before final implementation, Council requested a progress update or "Report Card" on the paving contract process.

In the July 8, 2005, Road and Transportation Committee Meeting, the committee decided to develop a more detailed approach to projecting cost and tracking the paving contract process. The new approach included private contracting patch work, new construction, milling, and overlays. The approach requires staff to prepare engineering bid estimates, monitor the paving projects more closely, and to provide guidance and inspections on a daily basis. This new approach will require county staff to work more closely with the paving contractor to establish the best quality road paving project at the lowest possible cost. Staff has also committed to provide project status updates at each Road and Transportation Committee Meeting and to County Council.

A bid announcement for road paving was made on August 1, 2005. Three (3) contractors submitted competitive bids for the paving contract. On September 6, 2005 the Council awarded The overlay, milling, and reconstruction contract to King Asphalt for an approximate amount of \$1,935,539.23, and The New Construction Contract was awarded to Thrift Brothers, Inc. for an approximate amount of \$536,194.75. Start dates for both these contracts are mid-October, 2005.

Both paving contracts are scheduled to be completed June 15, 2006.

SPECIAL CONSIDERATIONS OR CONCERNS:

Procurement and Public Works will schedule a follow-up meeting with paving contractors to exchange ideas on how our paving contract documents and our bid process may be improved or modified for future bids.

In anticipation of the 2006 C-Fund money and \$15 per vehicle road maintenance fee, The 2006 Paving contract is planned to be advertised in late December 2005. The anticipated award date would be for February 2006, with a scheduled completion date of June 15, 2006.

The \$15 per vehicle road maintenance fee will be critical to pay for patching and leveling for future C-fund roads, and to increase the number of miles of resurfacing in the county to maintain and protect our existing road inventory.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Request Council to use the following schedule to implement the adopted \$15 per vehicle road maintenance fee:

- First reading of Ordinance to adopt \$15 per vehicle road maintenance fee on October 4, 2005.
- Second reading of Ordinance and Public Hearing to adopt \$15 per vehicle road maintenance fee on October 18, 2005.
- Third and final reading of Ordinance to adopt \$15 per vehicle road maintenance fee on November 1, 2005.

FINANCIAL IMPACT:

Without final implementation of the \$15 road maintenance fee, the County will have to wait until the 2006-2007 budget cycle to release the next paving contract which is currently scheduled for release in December 2005.

ATTACHMENTS:

1. Status Report Card and Schedule Summary

Submitted or Prepared By:

D. Mark Kelly, Jr., PE, PLS, CFM
Director of Public Works/County Engineer

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

2005 PAVING CONTRACT
 STATUS REPORT AND SCHEDULE
 SUMMARY
 9/15/2005

SUMMARY OF 2005 ROAD PROJECTS

	LENGTH FT	LENGTH MILES	BID ESTIMATED COST	COST TO DATE	% SPENT
NEW CONSTRUCTION	19,054	3.809	\$553,199.28	\$0.00	0.0
RECONSTRUCTION	7,535	1.427	\$192,963.57	\$0.00	0.0
MILLING	18,229	3.452	\$668,344.03	\$0.00	0.0
LOCAL OVERLAY	4,309	0.816	\$64,701.22	\$0.00	0.0
C-FUND OVERLAY	53,968	12.115	\$1,183,800.15	\$0.00	0.0
COUNTY CONSTRUCTION	4,000	0.758	\$100,000.00	\$0.00	0.0
TOTAL	117,095	22.177	\$2,663,007.24	\$0.00	0.0

SCHEDULE:

KING ASPHALT
 THRIFT BROTHERS, INC.
 COUNTY ROADS AND BRIDGES

QUAIL DRIVE (KE-35) AND LAUREL HILL DRIVE (WA-11) TO BEGIN RECONSTRUCTION MID-OCTOBER 2005
 ROCKY GAP ROAD (CH-38) TO BEGIN NEW WORK CONSTRUCTION OCTOBER 2005
 QUAIL DRIVE (KE-35) AND LAUREL HILL DRIVE (WA-11) TO REMOVE ROAD SURFACE TO BEGIN OCTOBER 3, 2005

Oconee County, South Carolina
 Analysis of Vehicle Property Taxes
 Effect Upon County Revenue and Taxpayers
 September 20, 2006

Calendar Year	2001	2002	2003	2004	2005	2006	2007
Value of Vehicle	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Assessment Percentage	10.50	9.75	9.00	9.25	7.50	8.75	8.00
Assessed Valuation	2,100.00	1,950.00	1,800.00	1,850.00	1,500.00	1,750.00	1,600.00
Total Assessed Value at annual rate	37,450,000	39,500,200	41,600,000	39,400,000	38,000,000	37,600,000	36,000,000
Value if Unchecked by State Law	37,450,000	43,600,000	48,700,000	51,300,000	54,350,000	59,900,000	64,500,000
Millage (2007 same as 2006)	196	189	197	205	206	216.8	216.8
Estimated Tax Dollars Lost	-	(803,600.00)	(4,595,700.00)	(2,439,500.00)	(3,382,500.00)	(4,180,150.00)	(8,173,100.00)
Tax on \$20,000 vehicle	411.80	382.20	354.60	338.25	307.50	307.81	288.92
Road Maintenance Fee	411.80	382.20	354.60	338.25	307.50	307.81	288.92
Total Cost per \$20,000 Vehicle	411.80	382.20	354.60	338.25	307.50	307.81	288.92

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: September 20, 2005
COUNCIL MEETING TIME: 3:00 P.M.

ITEM TITLE OR DESCRIPTION:

Energy and Fuel Conservation Plan

BACKGROUND OR HISTORY:

In view of the recent and expected continuing high price for fuel and energy, it is imperative that the county develop and soon implement a conservation program.

Following the destructive effects of Hurricane Katrina in early September and the resultant fuel shortages and unprecedented price hikes, county staff has been working quickly to devise operational changes to save fuel, energy, and therefore dollars.

SPECIAL CONSIDERATIONS OR CONCERNS:

The main focus of our study thus far, has been to conserve fuel and energy by changing hours of operation and operational procedures to be more fuel and energy efficient and to operate more effectively.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

County Council authorize the Administrator to implement a fuel, energy and financial conservation plan by implementing various operational changes, and where possible to **implement a 10-hour, 4-day work week**. The first week of the new schedule could begin as early as October 3, 2005. The typical schedule for office employees would be Monday through Thursday 8:00 a.m. until 6:00 p.m. The typical schedule for field employees would be Monday through Thursday 7:30 a.m. until 6:00 p.m.

FINANCIAL IMPACT:

The Office of Budget and Finance has provided cost projections for fuel and energy. If current usage and cost trends hold true, energy and fuel costs could exceed the approved 2005-2006 budget by \$531,000 (Attachment 2).

By implementing a 10-hour, 4-day work week and instituting better control over thermostats (78 degrees in the summer and 68 degrees in the winter during working hours and 80 degrees in summer and 50 degrees in the winter during non-work hours), the County could save approximately \$152,000 during this fiscal year. Not all offices will be able to participate in the 4-day week cost savings approach and the above number reflects only projected participation. (Attachment 3)

Each Department is continuing to refine department specific fuel conservation measures so actual predicted savings are still being developed. The Public Works Department reported a potential savings of approximately 22,000 gallons (Attachment 4) of fuel for a potential savings of

\$66,000 (\$3 per gallon of fuel) for the remainder of the fiscal year. Other Departments that are less dependent on fuel, may not be able to conserve as much fuel, but each department and subsequent division will do what they can do.

Additionally, by eliminating employee travel to the office 1 day a week for the entire year, an individual employee could save around \$416 annually (assuming 40 mile round trip, \$3 fuel cost, and 15 mpg), which would be more than a week's salary for many employees.

ATTACHMENTS:

1. Fuel/Energy Conservation Ideas from September 1, 2005 staff meeting
2. Analysis of Projected Energy and Fuel Costs/Savings
3. County-Wide Energy Conservation Plan, September 20, 2005
4. Public Works Department Energy and Fuel Conservation Report 2005
5. Tentative Work Schedule for Public Works Department
6. Times for Sunrise and Sunsets

Submitted or Prepared By:

D. Mack Kelly, Jr., PE, PLS, CFM
Director of Public Works/County Engineer

Assistance in Preparation By:

Phyllis E. Lombard, CGFO
Director of Administrative Services & Finance

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Garry Freeman, CPA
Manager - Office of Management & Budget

C: Clerk to Council

Attachment # 1

Conservation Ideas 9/1/05 Staff Meeting

Fuel/Energy Conservation

Meeting 9/1/05

I. Public Works

- \$8,000 - Annual gallons/roads w/ 4 x 10's only
- 10% energy utility savings w/ 4 x 10's
- Selective reduced grass cutting would produce further fuel reductions; stop non-critical ditch crews, and road grading
- Rock Quarry has temporarily stopped shipping operations
- Must keep solid waste open at current schedule (landfill & convenience centers)
- Stop idling and warm up time

II. Sheriff

- Stopping idling, warm up time, AC, defrosting, fast acceleration (unnecessary)
- Unnecessary trips - stay in your patrol area when possible
- Handle calls as possible by desk Sgt., don't always send officer to non-critical call
- Patrol lieutenant monitor per vehicle mileage reports (Fuehman)
- Improved vehicle PM's, tire rotation, tune-ups, air filters, tire pressure

III. Building Codes

- 2 inspectors riding together to do inspections instead of using 2 separate vehicles
- Necessary mandatory pre-op checks (oil, gas, tire pressure) before vehicle is driven
- 10 hour-workdays, 4 days per week would work for bldg. inspectors
- Permit clerks also work 4 - 10 hour days

IV. Fire

- Review start up procedure for vehicles to reduce long idle times (?)
- Perform pre-op checks (oil, fuel, tire pressure)

V. Motor Pool

- All departments check their own tires, battery cables
- Don't call motor pool for rides, washes, pickups, A-service (oil change, tire rotation) - you wait for it at the motor pool.
- Use 87 octane fuel only
- Everyone gets jumper cables to avoid calling motor pool

VI. Airport

- Mowing only to FAA required safety areas

- An inmate shuttle bus to transport inmate workers instead of several different trips
- Cut back on number of inmate usage for grass, custodial, etc.

VII. Planning

- Utilize Xeriscape plantings on right of ways to save water & fuel used in mowing.

VIII. Parks

- 4 10 hour days will work after October
- Xeriscape and mulch wherever possible to avoid need for mowing
- Car pooling, minimize trips

IX. DOAS/Finance

- Treasurer Anne Dodd will do daily deposits for Pine Street and mail drop from Pine Street to Seneca Offices. Anne makes daily deposit in Seneca and this will save multiple trips to bank by other departments
- Revise outlying areas required daily bank deposit levels up to \$100
- Issue debit & credit cards for small purchases to minimize trips to Pine Street for purchase orders
- 4 x 10's can work for Auditor, Treasurer, Finance, and Register of Deeds. (Friday's off will work best)
- People work from home (when possible)
- Bountyland fuel facilities will have set times available to law enforcement for fueling if a shortage occurs.
- Set thermostats in all buildings at 78°F in Summer and 68°F in Winter
- Wear light cotton clothes in Summer, sweaters and boots in winter

X. Probate court

- Doesn't agree but will not protest the 4 day work week. They will have to get permission from the Chief Justice Toole.

XI. Courthouse

- They also have to get permission from Chief Justice Toole. However, court dates are already schedule through November.

XII. Emergency Management

- 4 10's or split schedule to save fuel? (yes)

XIII. Facilities Maintenance

- Examine energy retrofits with Duke & Blue Ridge for HVAC & Lights

If we saved 10% on utilities we would save approximately \$78,000 per year.

I am to check with Duke Power re: possibility of incentives to convert from natural gas to electric. I hope to have prior to our meeting on Tuesday.

Attachment # 2

Analysis of Fuel and Energy Costs/Savings

Oconee County, South Carolina				
Attachment 2				
Analysis of Projected Energy Costs/Savings				
September 20, 2005				
		Projected	Projected	Projected
	Budget	Total for	Budget	Potential
Summary Projections		Fiscal Year	Over (Under)	Savings
Gasoline	318,500	522,115	203,615	68,102
Diesel	274,200	341,687	67,585	47,898
Gas & Fuel Oil*	151,600	202,100	50,500	10,500
Electricity**	628,500	837,800	209,300	30,500
Total Costs	1,372,800	1,903,702	531,000	157,000

Attachment # 3

**County-Wide
Energy and Fuel
Conservation Report
September 20, 2005**

Introduction

Council is concerned about developing a County Wide Energy and Fuel Conservation Program. Mr. Rabun and Department Directors met on September 1, 2005, to discuss and brainstorm ideas on ways that the County could conserve energy and fuel. The fuel shortage due to Hurricane Katrina was an immediate concern.

It was decided that only essential tasks be performed during the next week to conserve fuel. The Finance Department made arrangements with a local fuel provider to reserve fuel for the Public Safety and Solid Waste Divisions.

After the short-term fuel conservation plans were discussed and decided on, the discussion revolved around a long-term approach of energy and fuel conservation and efficiency. From this meeting, a County Wide Energy and Fuel Conservation Study was initiated. The Study is continuing, but some immediate financial needs became apparent. Our fuel and energy cost estimates have increased more than our budgeted projections and immediate attention is necessary to keep the budget under control.

Limitations of Report

The main focus of this study is to conserve fuel and save energy by changing operational procedures to be more efficient. Since time is of the essence, an immediate County Wide energy conserving measure needed to be developed. It was decided that an appropriate avenue to study would be a creative cost cutting approach to County Government that used more productive, energy efficient, fuel conserving, 4-day work week to provide services.

Report Summary

By implementing a 10-hour, 4-day work week and better control over thermostats (78 degrees in the summer and 68 degrees in the winter during working hours and 80 degrees in summer and 50 degrees in the winter during non-work hours), the County could save approximately \$41,000 during the remainder of this fiscal year. Not all County facilities will be able to participate in this cost savings approach and the above number only reflects the offices that can participate.

The Office of Budget and Finance has provided some cost projections for fuel and energy cost. If current trends hold true, energy and fuel costs could exceed the approved 2005-2006 budget by \$531,000. The 10-hour, 4-day work week is an important component of a comprehensive plan which will save approximately \$157,000 during the current fiscal year.

The County facilities EXPECTED to participate in the 4-day, 10-hour work week are:

- All Pine Street offices including Register of Deeds and Building Inspection
- Motor Pool
- Roads and Bridges
- Rural Fire Administration
- Economic Development
- Health Departments
- Agricultural Building

The County facilities that MAY participate are:

- Probate Court

The County facilities that MAY participate on a limited or flex basis are:

- County Parks
- Library
- Museum
- Airport

The County facilities NOT EXPECTED to participate are:

- Law Enforcement Center
- Courthouse
- Magistrate Offices
- Rock Quarry
- Solid Waste

The typical schedule for office employees would be Monday through Thursday 8:00 a.m. until 6:00 p.m., which would include a ½-hour lunch break three days a week and a 1-hour lunch break one day a week. The typical schedule for field employees would be Monday through Thursday 7:30 a.m. until 6:00 p.m., with a ½-hour lunch break.

Potential Concerns:

Safety Issue (Night Lighting)

- Each building was checked to make sure adequate night lighting is available for customer and employee safety.

Daylight Hours for Road Crews

- The shortest day of the year (daylight) is typically around December 21.
- On December 21, 2005, sunrise is 7:45 a.m. and sunset is 5:21 p.m. (9:49)
- The latest sunrise is 7:40 a.m. around January 8.
- The earliest sunset is 5:21 p.m. around December 7.

Holiday Pay

- Holiday Pay to be accrued at normal rates currently being used. No additional time will accrue.

Sick Day Accruals

- Sick days will be accrued in a similar manner. No additional time will accrue.

Hours of Operation Notification

- Press releases will be issued.
- County web-site pages will be updated.
- Signs will be posted at county facilities.

- Department and division meetings to educate the employees regarding the changes.

Payroll Checks

- Typically, payroll checks will be available for pickup on Thursdays after 3:00 p.m.

Local Attorneys, Real Estate Professionals, and Construction Contractors

- Many attorneys, real estate professionals, and construction contractors may initially balk at the idea of County Government closing on Fridays. However, most should like the convenience of extended hours of operation. Most will be able to spread out their work load because of the extended hours of operation for four days per week.

Customer Convenience

- While it is true that the County will be closed on Friday, many customers may find it more convenient to access information early in the morning or later in the day. Also, since lunch hours are reduced to ½ hour, more staff will be available to serve county customers who utilize their lunch hour to run errands at County Government offices.

Conclusions

By implementing a comprehensive, fuel and energy-saving policy, the County can save \$137,000 in operation cost. An important component of this plan is to implement a more productive, energy efficient, fuel conserving, customer friendly 10-hour, 4-day work week.

Attachment # 4

Public Works Department

Fuel Conservation Report

September 6, 2005

Introduction

Council is concerned about developing a County Wide Fuel Conservation Program. Public Works Department Divisions are equally concerned about conserving fuel. Each Division was budgeted a finite amount of money for fuel cost. As fuel cost increase, fuel conservation is paramount to maintaining a balanced budget. Each Division of Public Works has developed their own fuel conservation measures that are currently being used or will be put in place when appropriate (some measures may require purchasing additional equipment that may not have been included in this year's budget). Most conservation measures require education or training of staff to use more efficient means of equipment operation. As can be seen in the supporting documentation, small modifications of procedures can make a big difference in fuel conservation. The Divisions of the Public Works Department consists of Engineering, Roads and Bridges, Rock Quarry, Solid Waste & Landfill, Stormwater, Soil & Water Conservation Liaison, Traffic Control, and Water & Sewer Liaison.

Limitations of Report

The main focus of this report is to conserve fuel by changing operational procedures to be more fuel efficient. Not all costs were considered due to the complex nature of some of the fuel conservation measures. For example, costs were not calculated relating to purchasing new vehicles that are more fuel efficient. The vehicles that are discussed in the report are budgeted for replacement.

Report Summary

Not all divisions of Public Works have vehicles or equipment and some divisions do not even have staff. The Divisions of Public Works that do not use fuel are Engineering, Stormwater, Soil & Water Conservation Liaison, Traffic Control, and Water and Sewer Liaison. The Divisions that do use fuel are: Roads and Bridges, Rock Quarry, and Solid Waste & Landfill. The estimated fuel conserved by the above divisions is summarized in the following table:

Summary of Projected Annual Fuel Conservation By Division

Division	Gallons of Fuel Conserved
Road & Bridges	8,971
Rock Quarry	13,055
Solid Waste & Landfill	443
Public Works Total Fuel Conservation	22,469

Conclusions

By each Division implementing their own fuel conservation measures, the Public Works Department can conserve fuel to minimize operational costs, which is directly related to stretching our tax dollar as far as possible. The Road & Bridges Department conserves fuel

by strategic parking of mowers and delivery of fuel on an as-needed basis, by strategic placement of truck and backhoe in areas that experience winter weather, by working a more productive 10 hour, 4 day work week, and minimizing road pick-ups to the Administrative Offices in Walhalla. The Rock Quarry conserves fuel by implementing a more efficient way of transporting prison labor, utilizing equipment operating times more efficiently, substituting more fuel efficient equipment for loading product on Saturdays, replacement of existing truck with fuel efficient vehicle, minimizing haul lengths by mining operation being conducted nearer the processing plants, by scheduling trips more efficiently, and using vendors that deliver supplies rather than going for pick-up of supplies. The Solid Waste & Landfill Division plans to conserve fuel by eliminating Compactor Pulls that are not at least half full, and by using a cardboard compactor that will help minimize cardboard Compactor Pulls at the Metromont Convenience Center. As each of the fuel conservation measures are implemented, 22,469 gallons of fuel can be saved annually. Depending on fuel cost, this could mean a savings of over \$78,000 a year (\$3.50 per gallon).

Roads & Bridges Division

Fuel Conservation Measure (Mowing)

Both shoulder mowing and slope mowing is done on a schedule. Mowers are parked in a secure area overnight and crew trucks are used to transport operators to and from parked mowers. These crew trucks are equipped with auxiliary fuel tanks to refuel the mowers. Air compressors are also onboard to re-inflate tires as needed. These provisions reduce the need for the Fuel Truck and a Service Unit from the Vehicle Maintenance Facility to service the mowers.

Calculation of Fuel Savings

Shoulder Mowing

Average travel distance for fuel delivery is 25 miles.

Round trip $25 \times 2 = 50$ miles.

Two trips per week required $50 \times 7 = 100$ miles.

Shoulder mowing season duration: 26 weeks $100 \times 26 = 2600$ miles.

Two shoulder mowing crews operate at opposite ends of the County $2 \times 2600 =$

5200 miles to deliver fuel.

Fuel Truck gets 9 MPG $5200/9 = 578$ gallons fuel saved.

Slope Mowing

Average travel distance for fuel delivery is 25 miles.

Round trip $25 \times 2 = 50$ miles

Two trips per week required $50 \times 2 = 100$ miles

Slope mowing season duration 26 weeks $100 \times 26 = 2600$ miles

Fuel Truck gets 9 MPG $2600/9 = 289$ gallons fuel saved.

Annual Fuel Savings = 867 gallons

Fuel Conservation Measure (Backhoe)

During winter months (Mid November to Mid March) a unit consisting of a Backhoe, Dump Truck and Trailer will be stationed at a secure location in the Mountain Rest area. This will reduce the need to transport this equipment from the Five Forks area and return as needed each time. A Motor grader and Operator are assigned to the Mountain Rest and Long Creek/Cleveland areas may utilize this backhoe as needed.

Calculation of Fuel Savings

Average travel distance to transport Backhoe to mountainous locations is 18 miles.

Round trip $18 \times 2 = 36$ miles (One trip per week is estimated).

Four-month (16 weeks) duration $16 \times 36 = 576$ miles.

Dump Truck towing loader trailer gets 6 MPG, $576/6=96$ gallons fuel saved

Annual Fuel Savings = 96 gallons

Fuel Conservation Measure (Working 4-10Hour days)

The Roads & Bridges Division currently works a traditional 8 hour 5 day week.

Travel to and from work locations occurs each day. Increasing work time by 2 hours for 4 days will eliminate one round trip travel to and from work locations. Total actual work time will not be affected.

Calculation of Fuel Savings

Average travel distance to work locations 60 miles (Round Trip)

Twenty-Four vehicles used daily to transport personnel/equipment to work

locations $24 \times 60 = 1,440$ miles (One Day)

Average vehicle 10 MPG, $1,440/10=144$ Gals/Day

Daily operations reduced by one per week $52 \times 144 = 7,488$ gallons fuel saved per year.

Annual Fuel Savings = 7,488 gallons

Fuel Conservation Measure (Pine Street Mail Trips)

Both US and inter-office mail is sorted and picked up at Pine Street Complex. A daily trip is currently required to accomplish delivery. A Rural Mail box could be established to accommodate US Mail and Division employees could pick up inter-office mail after 3 pm each day. The Right of Way Technician, Division Manager or Division Assistant Manager normally makes a trip daily in the direction of Wallhalla.

Calculation of Fuel Savings

Round trip travel distance to Pine Street Complex is 28 miles.

One trip per day – five days per week – fifty-two weeks per year $5 \times 52 = 260$ trips

$260 \times 28 = 7,280$ Miles

Average vehicle 14 MPG

$7,280 / 14 = 520$ gallons fuel saved per year

Annual Fuel Savings = 520 gallons

Roads & Bridges Division Grand Total Fuel Savings = 7,516 gallons

Rock Quarry Division

Fuel Conservation Measure (Leave Inmate Transport Vehicle Parked Overnight at OLEC)

We currently drive a 1995 Crown Victoria two (2) times each workday to the OLEC and back to pick-up and deliver inmate laborers. This is a seven (7) mile round-trip. Instead, this vehicle could be parked overnight in the OLEC parking lot. A designated quarry employee would drive their personal vehicle to OLEC each morning, use the county car to transport the inmates to the quarry and return in the afternoon. The county car would be parked and the employee would use their personal vehicle to return to their residence.

Calculation of Fuel Savings

$7 \text{ miles} \times 5 \text{ work days each week} \times 49 \text{ weeks/year (minus holidays)} = 1,715 \text{ miles}$
divided by 13.34 mpg (fuel mileage of car) = 128.56 gallons.

Annual Fuel Savings = 129 gallons

Fuel Conservation Measure (Utilize Operating Times More Efficiently)

In the past, especially in the winter, equipment is cranked about thirty minutes before our workday start time. In the future, equipment will be cranked at start time and allowed to run during the pre-shift inspection to get hydraulic oil up to operating temperature. Based on the average fuel consumption of eight (8) pieces of equipment – three (3) haul trucks, three (3) loaders, a shovel and hammer – the savings would be as follows:

Calculation of Fuel Savings

26.05 gallons (average fuel consumption of above listed equipment) for 1/2 hour x 90 (approximate winter workdays) = 2,344.5 gallons.

Annual Fuel Savings = 2,345 gallons

Fuel Conservation Measure (Substitute More Fuel Efficient Equipment)

Pickup trucks are the most frequently used haul vehicle by our Saturday customers. By using the skid steer to load instead of a front end loader, the following savings would be realized.

Calculation of Fuel Savings

$$46 \text{ (Saturdays)} \times 4 \text{ hrs} = 208 \times 5.67 \text{ average gallons/hr loader} = 1,004.64$$

$$46 \text{ (Saturdays)} \times 4 \text{ hrs} = 208 \times 0.80 \text{ average gallons/hr skid steer} = 147.2$$

$$\text{Potential Annual Fuel Savings} = 857 \text{ gallons}$$

Fuel Conservation Measure (Replace 1994 Chevrolet Pickup - 102.07 with Fuel Efficient Vehicle)

This vehicle, as well as others as they become worn out, should be replaced with more fuel efficient vehicles, such as those with a smaller engine. Also, we would like to explore the option of vehicles that would use an alternate fuel source like ethanol.

Calculation of Fuel Savings

$$9.30 \text{ mpg (avg. fuel mileage of 102.07)} \times 30,000 \text{ miles (estimated annual mileage)} = 3,226 \text{ gallons}$$

$$20 \text{ mpg (estimated avg. fuel mileage of more efficient vehicle)} \times 30,000 \text{ miles} = 1,500 \text{ gallons}$$

$$\text{Annual Fuel Savings} = 1,726 \text{ gallons}$$

Fuel Conservation Measure (Mining the Expansion Area at Top Level of Quarry)

We have just begun mining the top level of the quarry as opposed to going deeper for several beneficial reasons. Not the least of which, is the savings in fuel. The wear on equipment, due both to the lower grade and close proximity of this work area to the crusher utilizes our haul trucks more efficiently. The following fuel conservation is based on average consumption in a month where haul trucks were coming from the bottom of the pit as contrasted with consumption in the past month.

Calculation of Fuel Savings

Avg. savings of 4.32 gallons/hour x 7 hours/day = 30.24 gallons x 247 work days =
7,469.28 gallons.

Annual Fuel Savings = 7,469 gallons

Fuel Conservation Measure (Minimize Trips and Maximize Production on Trips)

We have already begun planning trips to the Pine Street Complex, Vehicle Maintenance facility and various vendors more efficiently. We are saving one trip per

day to the Pine Street offices and using the fuel truck driver to bring needed supplies from Seneca saving approximately two trips per week.

Calculation of Fuel Savings

7 miles (trip to Walhalla) x 5 days = 35 x 49 weeks = 1,715 divided by 9.3 mpg (fuel mileage of manager's truck) = 184.41 gallons.

30 miles (trip to Seneca) x 4 days = 80 x 49 weeks = 3,920 divided by 8.78 mpg (fuel mileage of service truck) = 446.47 gallons gasoline. Reduce trips by 1/2 = 223.24.

Annual Fuel Savings = 408 gallons

Fuel Conservation Measure (Patronizing Vendors Who Offer Delivery Service)

We purchase supplies from vendors who deliver goods to us when possible. By doing this we estimate the following savings:

3 trips/week x 7 miles (NAPA) x 49 weeks = 840 miles divided by 8.78 (mileage of service truck) = 95.67 gallons.

1 trip/month x 20 miles (Holcomb's/Alexander's Office Supply) x 12 months = 240 miles divided by 9.3 (mileage of manager's truck) = 25.81 gallons.

Annual Fuel Savings = 121 gallons

Rock Quarry Division Grand Total Annual Fuel Savings = 13,055 gallons

Solid Waste Division

Fuel Conservation Measure (Frequency of Compactor Pulls – Elimination of One Pull / Week)

The Solid Waste Division MSW Report (August 2005) indicates that the Port Bass Convenience Center has loads lighter than the desired minimum weight (5 tons) on Fridays. Now that the Centers are closed on Wednesdays, the normal Wednesday pull has been moved to Thursday, resulting in pulls on Thursdays and Fridays. Garbage from Friday could be combined with Saturdays waste to obtain a load closer to 10 tons.

Calculation of Fuel Savings

The Port Bass Center is approximately 15 miles from the Solid Waste Facility on Wells Highway. Therefore, 30 miles of travel will be eliminated each week, or 1,560 miles per year (30 miles x 52 weeks). The roll-off trucks average 4.6 miles / gallon according to the 2005 Solid Waste Vehicle Cost Report. Therefore, 339 gallons of fuel (1,560 miles / 4.6 mpg) will be saved by eliminating one pull / week to the Port Bass Convenience Center.

Annual Fuel Savings = 339 gallons

Fuel Conservation Measure (Installation of Cardboard Compactor at Mettomon Convenience Center)

The Solid Waste Division received a grant to purchase a compactor for cardboard for the Merrimont Convenience Center. The compactor will be installed within the next couple of weeks. Currently, cardboard is flattened and collected in an open top container. The compactor should increase the weight of the load by a ratio of 2.5 so that the container weighs almost 5 tons when pulled.

Calculation of Fuel Savings

Merrimont Convenience Center's cardboard is pulled 5 times each month. The compactor should allow the Division to reduce the pulls to 2.5 times each month. The Center is approximately 8 miles from the Solid Waste Facility on Wells Highway. Therefore, 40 miles of travel will be eliminated each month (16 miles \times 2.5 pulls), or 480 miles per year. The roll off trucks average 4.6 miles / gallon according to the 2005 Solid Waste Vehicle Cost Report. Therefore, 104 gallons of fuel (480 miles / 4.6 mpg) will be saved by eliminating 2.5 pulls per month from the Merrimont Convenience Center.

Annual Fuel Savings = 104 gallons

Total Annual Solid Waste Division Fuel Savings = 443 gallons

Attachment #5

Tentative Work Schedule

**Oconee County, SC
FY 2005-2006**

July 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	H 4 H	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	H 5 H	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	H 11 H	12
13	14	15	16	17	18	19
20	21	22	23	H 24 H	H 25 H	26
27	28	29	30			

December 2005						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	H 23 H	24
25	H 26 H	H 27 H	28	29	30	31

January 2006						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	H 2 H	3	4	5	6	7
8	9	10	11	12	13	14
15	H 16 H	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2006						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	H 20 H	21	22	23	24	25
26	27	28				

March 2006						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April 2006						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	H 14 H	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2006						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	H 9 H	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	H 29 H	30	31			

June 2006						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Attachment # 6

Sunrise and Sunset Times

July 2005

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Tw: 5:53am Sun Rise: 6:22am Sun Set: 8:49pm Tw: 9:18pm	2 Tw: 5:53am Sun Rise: 6:22am Sun Set: 8:49pm Tw: 9:18pm
3 Tw: 5:53am Sun Rise: 6:23am Sun Set: 8:49pm Tw: 9:18pm	4 Tw: 5:54am Sun Rise: 6:23am Sun Set: 8:49pm Tw: 9:18pm	5 Tw: 5:54am Sun Rise: 6:24am Sun Set: 8:49pm Tw: 9:18pm	6 Tw: 5:55am Sun Rise: 6:24am Sun Set: 8:49pm Tw: 9:18pm	7 Tw: 5:56am Sun Rise: 6:25am Sun Set: 8:49pm Tw: 9:18pm	8 Tw: 5:59am Sun Rise: 6:25am Sun Set: 8:48pm Tw: 9:18pm	9 Tw: 5:57am Sun Rise: 6:26am Sun Set: 8:48pm Tw: 9:17pm
10 Tw: 5:57am Sun Rise: 6:27am Sun Set: 8:48pm Tw: 9:17pm	11 Tw: 5:58am Sun Rise: 6:27am Sun Set: 8:48pm Tw: 9:17pm	12 Tw: 5:59am Sun Rise: 6:28am Sun Set: 8:47pm Tw: 9:16pm	13 Tw: 5:59am Sun Rise: 6:28am Sun Set: 8:47pm Tw: 9:16pm	14 Tw: 6:00am Sun Rise: 6:28am Sun Set: 8:46pm Tw: 9:15pm	15 Tw: 6:01am Sun Rise: 6:30am Sun Set: 8:45pm Tw: 9:15pm	16 Tw: 6:01am Sun Rise: 6:30am Sun Set: 8:46pm Tw: 9:16pm
17 Tw: 6:02am Sun Rise: 6:31am Sun Set: 8:45pm Tw: 9:14pm	18 Tw: 6:03am Sun Rise: 6:32am Sun Set: 8:45pm Tw: 9:13pm	19 Tw: 6:04am Sun Rise: 6:32am Sun Set: 8:44pm Tw: 9:13pm	20 Tw: 6:04am Sun Rise: 6:33am Sun Set: 8:44pm Tw: 9:12pm	21 Tw: 6:05am Sun Rise: 6:34am Sun Set: 8:43pm Tw: 9:12pm	22 Tw: 6:06am Sun Rise: 6:34am Sun Set: 8:42pm Tw: 9:11pm	23 Tw: 6:07am Sun Rise: 6:35am Sun Set: 8:42pm Tw: 9:10pm
24 Tw: 6:07am Sun Rise: 6:36am Sun Set: 8:41pm Tw: 9:09pm	25 Tw: 6:08am Sun Rise: 6:36am Sun Set: 8:40pm Tw: 9:09pm	26 Tw: 6:09am Sun Rise: 6:37am Sun Set: 8:40am Tw: 9:08pm	27 Tw: 6:10am Sun Rise: 6:38am Sun Set: 8:39pm Tw: 9:07pm	28 Tw: 6:11am Sun Rise: 6:39am Sun Set: 8:38pm Tw: 9:06pm	29 Tw: 6:11am Sun Rise: 6:39am Sun Set: 8:37am Tw: 9:05pm	30 Tw: 6:12am Sun Rise: 6:40am Sun Set: 8:37pm Tw: 9:05am
31 Tw: 6:13am Sun Rise: 6:41am Sun Set: 8:36pm Tw: 9:04pm						

Daylight Saving/Summer Time is in effect for the entire month.
Courtesy of www.sunrisesunset.com

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August 2005

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Tw: 6:14am Sun Rise: 6:41am Sun Set: 8:35pm Tw: 9:33pm	2 Tw: 6:15am Sun Rise: 6:42am Sun Set: 8:34pm Tw: 9:32pm	3 Tw: 6:15am Sun Rise: 6:43am Sun Set: 8:33pm Tw: 9:31pm	4 Tw: 6:16am Sun Rise: 6:44am Sun Set: 8:32pm Tw: 9:30pm	5 Tw: 6:17am Sun Rise: 6:44am Sun Set: 8:31pm Tw: 9:29pm	6 Tw: 6:18am Sun Rise: 6:45am Sun Set: 8:30pm Tw: 9:28pm
7 Tw: 6:18am Sun Rise: 6:48am Sun Set: 8:26pm Tw: 9:27pm	8 Tw: 6:23am Sun Rise: 6:47am Sun Set: 8:28pm Tw: 9:26pm	9 Tw: 6:20am Sun Rise: 6:47am Sun Set: 8:27pm Tw: 9:25pm	10 Tw: 6:21am Sun Rise: 6:48am Sun Set: 8:26pm Tw: 9:24pm	11 Tw: 6:22am Sun Rise: 6:49am Sun Set: 8:25pm Tw: 9:23pm	12 Tw: 6:23am Sun Rise: 6:50am Sun Set: 8:24pm Tw: 9:22pm	13 Tw: 6:24am Sun Rise: 6:51am Sun Set: 8:23pm Tw: 9:21pm
14 Tw: 6:24am Sun Rise: 6:51am Sun Set: 8:22pm Tw: 9:19pm	15 Tw: 6:25am Sun Rise: 6:52am Sun Set: 8:21pm Tw: 9:18pm	16 Tw: 6:26am Sun Rise: 6:53am Sun Set: 8:20pm Tw: 9:16pm	17 Tw: 6:27am Sun Rise: 6:54am Sun Set: 8:19pm Tw: 9:15pm	18 Tw: 6:28am Sun Rise: 6:54am Sun Set: 8:17pm Tw: 9:14pm	19 Tw: 6:28am Sun Rise: 6:55am Sun Set: 8:15pm Tw: 9:13pm	20 Tw: 6:29am Sun Rise: 6:56am Sun Set: 8:15pm Tw: 9:11pm
21 Tw: 6:30am Sun Rise: 6:56am Sun Set: 8:14pm Tw: 9:10pm	22 Tw: 6:31am Sun Rise: 6:57am Sun Set: 8:13pm Tw: 9:09pm	23 Tw: 6:32am Sun Rise: 6:58am Sun Set: 8:11pm Tw: 9:08pm	24 Tw: 6:32am Sun Rise: 6:58am Sun Set: 8:10pm Tw: 9:06pm	25 Tw: 6:33am Sun Rise: 6:58am Sun Set: 8:09pm Tw: 9:05pm	26 Tw: 6:34am Sun Rise: 7:00am Sun Set: 8:07pm Tw: 9:04pm	27 Tw: 6:35am Sun Rise: 7:01am Sun Set: 8:06pm Tw: 9:02pm
28 Tw: 6:35am Sun Rise: 7:02am Sun Set: 8:05pm Tw: 9:01pm	29 Tw: 6:36am Sun Rise: 7:02am Sun Set: 8:04pm Tw: 9:00pm	30 Tw: 6:37am Sun Rise: 7:03am Sun Set: 8:02pm Tw: 8:59pm	31 Tw: 6:36am Sun Rise: 7:04am Sun Set: 8:01pm Tw: 8:27pm			

Daylight Saving/Summer Time is in effect for the entire month.
 Courtesy of www.sunrisesunset.com

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September 2005

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Tw: 6:38am Sun Rise: 7:05am Sun Set: 7:29pm Tw: 8:25pm	2 Tw: 6:42am Sun Rise: 7:05am Sun Set: 7:58pm Tw: 8:24pm	3 Tw: 6:43am Sun Rise: 7:06am Sun Set: 7:57pm Tw: 8:22pm
4 Tw: 6:49am Sun Rise: 7:07am Sun Set: 7:55am Tw: 8:21pm	5 Tw: 6:42am Sun Rise: 7:07am Sun Set: 7:54pm Tw: 8:20pm	6 Tw: 6:43am Sun Rise: 7:06am Sun Set: 7:53pm Tw: 8:18pm	7 Tw: 6:43am Sun Rise: 7:03am Sun Set: 7:51pm Tw: 8:17pm	8 Tw: 6:44am Sun Rise: 7:10am Sun Set: 7:50pm Tw: 8:15pm	9 Tw: 6:45am Sun Rise: 7:10am Sun Set: 7:48pm Tw: 8:14am	10 Tw: 6:46am Sun Rise: 7:11am Sun Set: 7:47pm Tw: 8:12am
11 Tw: 6:48am Sun Rise: 7:12am Sun Set: 7:46pm Tw: 8:11pm	12 Tw: 6:47am Sun Rise: 7:12am Sun Set: 7:44pm Tw: 8:10pm	13 Tw: 6:48am Sun Rise: 7:13am Sun Set: 7:43pm Tw: 8:08pm	14 Tw: 6:48am Sun Rise: 7:14am Sun Set: 7:41pm Tw: 8:07pm	15 Tw: 6:49am Sun Rise: 7:15am Sun Set: 7:40pm Tw: 8:05pm	16 Tw: 6:50am Sun Rise: 7:15am Sun Set: 7:38pm Tw: 8:04pm	17 Tw: 6:51am Sun Rise: 7:16am Sun Set: 7:37pm Tw: 8:02pm
18 Tw: 6:52am Sun Rise: 7:17am Sun Set: 7:36pm Tw: 8:01pm	19 Tw: 6:52am Sun Rise: 7:17am Sun Set: 7:34pm Tw: 7:59pm	20 Tw: 6:53am Sun Rise: 7:18am Sun Set: 7:33pm Tw: 7:58pm	21 Tw: 6:54am Sun Rise: 7:19am Sun Set: 7:31pm Tw: 7:56pm	22 Tw: 6:54am Sun Rise: 7:20am Sun Set: 7:30pm Tw: 7:55pm	23 Tw: 6:55am Sun Rise: 7:20am Sun Set: 7:28pm Tw: 7:54pm	24 Tw: 6:56am Sun Rise: 7:21am Sun Set: 7:27pm Tw: 7:52pm
25 Tw: 6:57am Sun Rise: 7:22am Sun Set: 7:26pm Tw: 7:51pm	26 Tw: 6:57am Sun Rise: 7:23am Sun Set: 7:24pm Tw: 7:49pm	27 Tw: 6:58am Sun Rise: 7:23am Sun Set: 7:23pm Tw: 7:48pm	28 Tw: 6:59am Sun Rise: 7:24am Sun Set: 7:21pm Tw: 7:46pm	29 Tw: 7:00am Sun Rise: 7:25am Sun Set: 7:20pm Tw: 7:45pm	30 Tw: 7:00am Sun Rise: 7:26am Sun Set: 7:18pm Tw: 7:44pm	

Daylight Saving/Summer Time is in effect for the entire month.
Courtesy of www.sunrisesunset.com

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October 2005

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Tw: 7:31am Sun Rise: 7:26am Sun Set: 7:17pm Tw: 7:42pm
2 Tw: 7:02am Sun Rise: 7:27am Sun Set: 7:18pm Tw: 7:41am	3 Tw: 7:03am Sun Rise: 7:28am Sun Set: 7:14pm Tw: 7:39pm	4 Tw: 7:03am Sun Rise: 7:29am Sun Set: 7:13pm Tw: 7:38am	5 Tw: 7:04am Sun Rise: 7:29am Sun Set: 7:11pm Tw: 7:37am	6 Tw: 7:05am Sun Rise: 7:30am Sun Set: 7:10pm Tw: 7:35pm	7 Tw: 7:06am Sun Rise: 7:31am Sun Set: 7:06pm Tw: 7:34pm	8 Tw: 7:06am Sun Rise: 7:32am Sun Set: 7:07pm Tw: 7:33am
9 Tw: 7:07am Sun Rise: 7:35am Sun Set: 7:03pm Tw: 7:31am	10 Tw: 7:06am Sun Rise: 7:33am Sun Set: 7:05pm Tw: 7:30pm	11 Tw: 7:06am Sun Rise: 7:34am Sun Set: 7:03pm Tw: 7:28pm	12 Tw: 7:06am Sun Rise: 7:35am Sun Set: 7:02pm Tw: 7:27pm	13 Tw: 7:06am Sun Rise: 7:36am Sun Set: 7:01pm Tw: 7:26pm	14 Tw: 7:06am Sun Rise: 7:37am Sun Set: 6:59pm Tw: 7:25am	15 Tw: 7:06am Sun Rise: 7:37am Sun Set: 6:58pm Tw: 7:24pm
16 Tw: 7:06am Sun Rise: 7:38am Sun Set: 6:57pm Tw: 7:22pm	17 Tw: 7:06am Sun Rise: 7:39am Sun Set: 6:56pm Tw: 7:21pm	18 Tw: 7:06am Sun Rise: 7:40am Sun Set: 6:54pm Tw: 7:20pm	19 Tw: 7:06am Sun Rise: 7:41am Sun Set: 6:53pm Tw: 7:19pm	20 Tw: 7:06am Sun Rise: 7:42am Sun Set: 6:52pm Tw: 7:17pm	21 Tw: 7:07am Sun Rise: 7:42am Sun Set: 6:51pm Tw: 7:16pm	22 Tw: 7:08am Sun Rise: 7:43am Sun Set: 6:50pm Tw: 7:15pm
23 Tw: 7:08am Sun Rise: 7:44am Sun Set: 6:48pm Tw: 7:14pm	24 Tw: 7:09am Sun Rise: 7:45am Sun Set: 6:47pm Tw: 7:13pm	25 Tw: 7:09am Sun Rise: 7:46am Sun Set: 6:46pm Tw: 7:12pm	26 Tw: 7:09am Sun Rise: 7:47am Sun Set: 6:45pm Tw: 7:11pm	27 Tw: 7:09am Sun Rise: 7:48am Sun Set: 6:44pm Tw: 7:10pm	28 Tw: 7:09am Sun Rise: 7:49am Sun Set: 6:43pm Tw: 7:09pm	29 Tw: 7:09am Sun Rise: 7:50am Sun Set: 6:42pm Tw: 7:08am
30 DST Ends Tw: 6:25am Sun Rise: 6:50am Sun Set: 6:41pm Tw: 6:07pm	31 Tw: 6:25am Sun Rise: 6:51am Sun Set: 6:40pm Tw: 6:06pm					

Courtesy of www.sunrisesunset.com

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November 2005

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Tw: 6:28am Sun Rise: 6:32am Sun Set: 5:38pm Tw: 6:06pm	2 Tw: 6:27am Sun Rise: 6:32am Sun Set: 5:38pm Tw: 6:04pm	3 Tw: 6:26am Sun Rise: 6:34am Sun Set: 5:37pm Tw: 6:03pm	4 Tw: 6:29am Sun Rise: 6:55am Sun Set: 5:36am Tw: 6:02am	5 Tw: 6:35am Sun Rise: 6:58am Sun Set: 5:35pm Tw: 6:01pm
6 Tw: 6:31am Sun Rise: 6:57am Sun Set: 5:34pm Tw: 6:00pm	7 Tw: 6:32am Sun Rise: 6:58am Sun Set: 5:33pm Tw: 6:00pm	8 Tw: 6:32am Sun Rise: 6:59am Sun Set: 5:32pm Tw: 5:59pm	9 Tw: 6:33am Sun Rise: 7:00am Sun Set: 5:32pm Tw: 5:59pm	10 Tw: 6:34am Sun Rise: 7:01am Sun Set: 5:31pm Tw: 5:57pm	11 Tw: 6:35am Sun Rise: 7:02am Sun Set: 5:30pm Tw: 5:57pm	12 Tw: 6:36am Sun Rise: 7:03am Sun Set: 5:29pm Tw: 5:56pm
13 Tw: 6:37am Sun Rise: 7:04am Sun Set: 5:29pm Tw: 5:55pm	14 Tw: 6:39am Sun Rise: 7:05am Sun Set: 5:28pm Tw: 5:55pm	15 Tw: 6:39am Sun Rise: 7:06am Sun Set: 5:27pm Tw: 5:54pm	16 Tw: 6:40am Sun Rise: 7:07am Sun Set: 5:27pm Tw: 5:53pm	17 Tw: 6:41am Sun Rise: 7:08am Sun Set: 5:26pm Tw: 5:53pm	18 Tw: 6:42am Sun Rise: 7:09am Sun Set: 5:26pm Tw: 5:52pm	19 Tw: 6:43am Sun Rise: 7:10am Sun Set: 5:25pm Tw: 5:52pm
20 Tw: 6:43am Sun Rise: 7:11am Sun Set: 5:24pm Tw: 5:51pm	21 Tw: 6:44am Sun Rise: 7:11am Sun Set: 5:24pm Tw: 5:51pm	22 Tw: 6:45am Sun Rise: 7:12am Sun Set: 5:23pm Tw: 5:51pm	23 Tw: 6:46am Sun Rise: 7:13am Sun Set: 5:23pm Tw: 5:50pm	24 Tw: 6:47am Sun Rise: 7:14am Sun Set: 5:23pm Tw: 5:50pm	25 Tw: 6:48am Sun Rise: 7:15am Sun Set: 5:22pm Tw: 5:50pm	26 Tw: 6:49am Sun Rise: 7:16am Sun Set: 5:22pm Tw: 5:49am
27 Tw: 6:50am Sun Rise: 7:17am Sun Set: 5:22pm Tw: 5:49am	28 Tw: 6:51am Sun Rise: 7:18am Sun Set: 5:21pm Tw: 5:49pm	29 Tw: 6:51am Sun Rise: 7:19am Sun Set: 5:21pm Tw: 5:49pm	30 Tw: 6:52am Sun Rise: 7:20am Sun Set: 5:21am Tw: 5:49pm			

Standard/Winter Time for entire month.
Courtesy of www.sunrisesunset.com

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December 2005

Wailhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Tw: 6:58am Sun Rise: 7:29am Sun Set: 5:21pm Tw: 5:48pm	2 Tw: 6:54am Sun Rise: 7:22am Sun Set: 5:21pm Tw: 5:46pm	3 Tw: 6:50am Sun Rise: 7:23am Sun Set: 5:21pm Tw: 5:46pm
4 Tw: 6:56am Sun Rise: 7:23am Sun Set: 5:21pm Tw: 5:48pm	5 Tw: 6:58am Sun Rise: 7:24am Sun Set: 5:21pm Tw: 5:48pm	6 Tw: 6:57am Sun Rise: 7:25am Sun Set: 5:21pm Tw: 5:48pm	7 Tw: 6:59am Sun Rise: 7:26am Sun Set: 5:21pm Tw: 5:48pm	8 Tw: 6:56am Sun Rise: 7:27am Sun Set: 5:21pm Tw: 5:49pm	9 Tw: 7:00am Sun Rise: 7:27am Sun Set: 5:21pm Tw: 5:49pm	10 Tw: 7:00am Sun Rise: 7:28am Sun Set: 5:21pm Tw: 5:49pm
11 Tw: 7:01am Sun Rise: 7:29am Sun Set: 5:21pm Tw: 5:49pm	12 Tw: 7:02am Sun Rise: 7:30am Sun Set: 5:21pm Tw: 5:49pm	13 Tw: 7:02am Sun Rise: 7:30am Sun Set: 5:21pm Tw: 5:49pm	14 Tw: 7:03am Sun Rise: 7:31am Sun Set: 5:21pm Tw: 5:50pm	15 Tw: 7:05am Sun Rise: 7:32am Sun Set: 5:22pm Tw: 5:50pm	16 Tw: 7:04am Sun Rise: 7:32am Sun Set: 5:22pm Tw: 5:50pm	17 Tw: 7:06am Sun Rise: 7:33am Sun Set: 5:23pm Tw: 5:51pm
18 Tw: 7:08am Sun Rise: 7:34am Sun Set: 5:23pm Tw: 5:51pm	19 Tw: 7:08am Sun Rise: 7:34am Sun Set: 5:23pm Tw: 5:51pm	20 Tw: 7:07am Sun Rise: 7:35am Sun Set: 5:24pm Tw: 5:52pm	21 Tw: 7:07am Sun Rise: 7:35am Sun Set: 5:24pm Tw: 5:52pm	22 Tw: 7:08am Sun Rise: 7:36am Sun Set: 5:25pm Tw: 5:53pm	23 Tw: 7:08am Sun Rise: 7:36am Sun Set: 5:25pm Tw: 5:53pm	24 Tw: 7:09am Sun Rise: 7:37am Sun Set: 5:26pm Tw: 5:54pm
25 Tw: 7:09am Sun Rise: 7:37am Sun Set: 5:26pm Tw: 5:54pm	26 Tw: 7:10am Sun Rise: 7:38am Sun Set: 5:27pm Tw: 5:55pm	27 Tw: 7:10am Sun Rise: 7:38am Sun Set: 5:28pm Tw: 5:56pm	28 Tw: 7:10am Sun Rise: 7:38am Sun Set: 5:28pm Tw: 5:56pm	29 Tw: 7:11am Sun Rise: 7:39am Sun Set: 5:29pm Tw: 5:57pm	30 Tw: 7:11am Sun Rise: 7:39am Sun Set: 5:30pm Tw: 5:58pm	31 Tw: 7:11am Sun Rise: 7:39am Sun Set: 5:30pm Tw: 5:58pm

Standard/Winter Time for entire month.
Courtesy of www.sunrisesunset.com

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January 2006

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Tw: 7:11am Sun Rise: 7:39am Sun Set: 5:37pm Tw: 5:39pm	2 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:32pm Tw: 5:00pm	3 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:33pm Tw: 5:01pm	4 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:33pm Tw: 5:01pm	5 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:34pm Tw: 5:02pm	6 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:35pm Tw: 5:03pm	7 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:36pm Tw: 5:04pm
8 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:37pm Tw: 5:04pm	9 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:38pm Tw: 5:05pm	10 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:38pm Tw: 5:05pm	11 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:38pm Tw: 5:06pm	12 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:40pm Tw: 5:06pm	13 Tw: 7:12am Sun Rise: 7:40am Sun Set: 5:41pm Tw: 5:06pm	14 Tw: 7:12am Sun Rise: 7:39am Sun Set: 5:42pm Tw: 5:10pm
15 Tw: 7:12am Sun Rise: 7:39am Sun Set: 5:43pm Tw: 5:11pm	16 Tw: 7:11am Sun Rise: 7:39am Sun Set: 5:44pm Tw: 5:11pm	17 Tw: 7:11am Sun Rise: 7:39am Sun Set: 5:45pm Tw: 5:12pm	18 Tw: 7:11am Sun Rise: 7:38am Sun Set: 5:45pm Tw: 5:13pm	19 Tw: 7:11am Sun Rise: 7:38am Sun Set: 5:47pm Tw: 5:14pm	20 Tw: 7:10am Sun Rise: 7:38am Sun Set: 5:48pm Tw: 5:15pm	21 Tw: 7:10am Sun Rise: 7:37am Sun Set: 5:49pm Tw: 5:16pm
22 Tw: 7:10am Sun Rise: 7:37am Sun Set: 5:50pm Tw: 5:17pm	23 Tw: 7:09am Sun Rise: 7:36am Sun Set: 5:51pm Tw: 5:18pm	24 Tw: 7:09am Sun Rise: 7:36am Sun Set: 5:52pm Tw: 5:19pm	25 Tw: 7:08am Sun Rise: 7:35am Sun Set: 5:53pm Tw: 5:20pm	26 Tw: 7:06am Sun Rise: 7:35am Sun Set: 5:54pm Tw: 5:21pm	27 Tw: 7:04am Sun Rise: 7:34am Sun Set: 5:55pm Tw: 5:22pm	28 Tw: 7:03am Sun Rise: 7:33am Sun Set: 5:56pm Tw: 5:23pm
29 Tw: 7:05am Sun Rise: 7:33am Sun Set: 5:57pm Tw: 5:24pm	30 Tw: 7:05am Sun Rise: 7:32am Sun Set: 5:58pm Tw: 5:25pm	31 Tw: 7:05am Sun Rise: 7:31am Sun Set: 5:59pm Tw: 5:26pm				

Standard/Winter Time for entire month.
Courtesy of www.sunrisesunset.com

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February 2006

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Tw: 7:04am Sun Rise: 7:31am Sun Set: 6:00pm Tw: 8:27pm	2 Tw: 7:04am Sun Rise: 7:30am Sun Set: 6:01pm Tw: 8:28pm	3 Tw: 7:02am Sun Rise: 7:29am Sun Set: 6:02pm Tw: 8:29pm	4 Tw: 7:02am Sun Rise: 7:28am Sun Set: 6:03pm Tw: 8:29pm
5 Tw: 7:01am Sun Rise: 7:28am Sun Set: 6:04pm Tw: 8:30pm	6 Tw: 7:00am Sun Rise: 7:27am Sun Set: 6:05pm Tw: 8:31pm	7 Tw: 7:00am Sun Rise: 7:26am Sun Set: 6:06pm Tw: 8:32pm	8 Tw: 6:59am Sun Rise: 7:25am Sun Set: 6:07pm Tw: 8:33pm	9 Tw: 6:56am Sun Rise: 7:24am Sun Set: 6:08pm Tw: 8:34pm	10 Tw: 6:57am Sun Rise: 7:23am Sun Set: 6:08pm Tw: 8:35pm	11 Tw: 6:56am Sun Rise: 7:22am Sun Set: 6:10pm Tw: 8:36pm
12 Tw: 6:55am Sun Rise: 7:21am Sun Set: 6:11pm Tw: 8:37pm	13 Tw: 6:54am Sun Rise: 7:20am Sun Set: 6:12pm Tw: 8:38pm	14 Tw: 6:53am Sun Rise: 7:19am Sun Set: 6:13pm Tw: 8:39pm	15 Tw: 6:52am Sun Rise: 7:18am Sun Set: 6:14am Tw: 8:40pm	16 Tw: 6:51am Sun Rise: 7:17am Sun Set: 6:15pm Tw: 8:41pm	17 Tw: 6:50am Sun Rise: 7:16am Sun Set: 6:16pm Tw: 8:42pm	18 Tw: 6:49am Sun Rise: 7:15am Sun Set: 6:17pm Tw: 8:43pm
19 Tw: 6:48am Sun Rise: 7:14am Sun Set: 6:18pm Tw: 8:43pm	20 Tw: 6:47am Sun Rise: 7:13am Sun Set: 6:19pm Tw: 8:44pm	21 Tw: 6:46am Sun Rise: 7:12am Sun Set: 6:20pm Tw: 8:45pm	22 Tw: 6:45am Sun Rise: 7:10am Sun Set: 6:21pm Tw: 8:46pm	23 Tw: 6:44am Sun Rise: 7:09am Sun Set: 6:21pm Tw: 8:47pm	24 Tw: 6:43am Sun Rise: 7:08am Sun Set: 6:22pm Tw: 8:48pm	25 Tw: 6:41am Sun Rise: 7:07am Sun Set: 6:23pm Tw: 8:48pm
26 Tw: 6:40am Sun Rise: 7:06am Sun Set: 6:24pm Tw: 8:50pm	27 Tw: 6:39am Sun Rise: 7:04am Sun Set: 6:25pm Tw: 8:50pm	28 Tw: 6:38am Sun Rise: 7:03am Sun Set: 6:26pm Tw: 8:51pm				

Standard/Daylight Time for entire month.
Courtesy of www.sunrisesunset.com

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March 2006

Walhalla, South Carolina

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Tw: 6:37am Sun Rise: 7:02am Sun Set: 6:27pm Tw: 6:52pm	2 Tw: 6:35am Sun Rise: 7:01am Sun Set: 6:28am Tw: 6:53pm	3 Tw: 6:34am Sun Rise: 6:59am Sun Set: 6:29pm Tw: 6:54pm	4 Tw: 6:33am Sun Rise: 6:58am Sun Set: 6:29pm Tw: 6:55pm
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April 2006

Walhalla, South Carolina

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May 2006

Walhalla, South Carolina

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June 2006

Walhalla, South Carolina

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AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 9/20/05
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Third & final reading of Ordinance 2005-14, "AN ORDINANCE TO AMEND ORDINANCE 2004-31, AN ORDINANCE CREATING THE OCONEE COUNTY INFRASTRUCTURE COMMISSION"

BACKGROUND OR HISTORY:

In 2004 the County created a fourteen (14) member Infrastructure Commission. Since that time, it has been deemed advisable to add one (1) member to be appointed by the Oconee County Planning Commission.

SPECIAL CONSIDERATIONS OR CONCERNS:

N/A

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Adoption of Ordinance on third and final reading.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

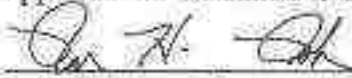
Proposed Ordinance
Submitted or Prepared By:

Opal O. Green
Department Head
Reviewed By/ Initials:

_____ County Attorney

_____ Finance

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

_____ N/A _____ Other

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2005-14

AN ORDINANCE AMENDING ORDINANCE 2004-31, "AN ORDINANCE
CREATING THE OCONEE COUNTY INFRASTRUCTURE ADVISORY
COMMISSION"

WHEREAS, Ordinance 2004-31 was adopted by County Council and established the Oconee County Infrastructure Advisory Commission; and

WHEREAS, the purpose of this Ordinance is to amend Section 2 of Ordinance 2004-31;

NOW BE IT ORDAINED by the Oconee County Council, in council duly assembled, with quorum present and voting, and upon third and final reading the following:

Section 2 of Ordinance 2004-31 is amended to read:

Section 2. Membership and Term of Office.

The Membership in the Oconee County Infrastructure Advisory Commission shall be Fifteen (15) in number. The Cities of Salem, Seneca, Walthalla, Westminster and West Union shall each appoint one member to the Advisory Commission. The person appointed by each respective city shall serve on said Commission until replaced by said respective city. The Oconee County Sewer Commission, Pioneer Water District, Blue Ridge Electric Co-operative, Duke Power Company, Bell South and Fort Hill Natural Gas Company, shall each appoint one person to serve on the Oconee County Infrastructure Advisory Commission. The persons selected by the Oconee County Sewer Commission and Pioneer Water District, Blue Ridge Electric Co-operative, Duke Power Company, Bell South and Fort Hill Natural Gas Company shall serve on the Commission until they are replaced by their respective selecting entity. The Oconee County Infrastructure Advisory Commission shall include four (4) members of the Oconee County government. One of the Oconee County members shall be the Director of the Oconee County Economic Development Commission. One member shall be the Oconee County Administrator. One member shall be appointed by County Council and shall serve until replaced by County Council. One member shall be appointed by the Oconee County Planning Commission and shall serve until replaced by the Planning Commission.

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: September 20, 2005
COUNCIL MEETING TIME: 3:00 PM

ITEM TITLE: ORDINANCE 2005-15

**AN ORDINANCE REPLACING ORDINANCE 79-19 AND ORDINANCE 95-3,
AN ORDINANCE REORGANIZING THE OCONEE COUNTY ECONOMIC
DEVELOPMENT COMMISSION AND PROVIDING FOR THE FUNCTION, POWERS,
AND DUTIES THEREOF.**

BACKGROUND OR HISTORY:

A review of the current ordinances indicated a number of changes were needed to allow the Economic Development Commission to more effectively meet the needs of Oconee County.

SPECIAL CONSIDERATIONS OR CONCERNS:

The primary recommendation contained in the new Ordinance is the addition of non-voting Ex-Officio members. This will allow the Commission to have the expertise of agencies that are major players in the growth of the County. The Ex-Officio members that will be invited to serve include the following:

- Oconee County Administrator
- President, Tri-County Technical College
- General Superintendent, Oconee County Sewer Commission
- Director, Oconee County Planning Commission
- Superintendent, School District of Oconee County
- Representative of the Oconee Alliance
- President/CEO, Oconee Memorial Hospital
- Representative, Clemson University

Additional Ex-Officio members may be added by a majority vote of Oconee County Council.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Conduct first reading of Ordinance 2005-15, thereby replacing and superseding Ordinance 79-19 and Ordinance 95-3. The Oconee County Economic Development Commission and the Director of the Commission whole-heartedly recommend County Council approve this new Ordinance.

FINANCIAL IMPACT:

Note that this Ordinance defers the \$100 annual fee paid to the Economic Development Commission members at their request.

ATTACHMENTS:

Proposed Ordinance.

Submitted or Prepared By:


James W. Alexander, Director

Oconee County Economic Development Comm.
Department Head

Approved for Submittal to Council:



Ron H. Rabun
County Administrator

Reviewed By/ Initials:

[Signature] County Attorney

N/A Finance

 Other

C: Clerk to Council

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2005-15**

**AN ORDINANCE REPLACING ORDINANCE 79-19 AND ORDINANCE 95-3,
AN ORDINANCE REORGANIZING THE OCONEE COUNTY ECONOMIC
DEVELOPMENT COMMISSION AND PROVIDING FOR THE FUNCTION,
POWERS AND DUTIES THEREOF.**

By Oconee County Council in Session duly assembled with a quorum present and voting, BE IT ORDAINED:

WHEREAS, Ordinance 79-17 created the Oconee County Planning and Development Commission and set forth the name, function, powers and duties of said Commission; and

WHEREAS, in Ordinance 95-2, the Oconee County Council established and created the Oconee County Planning Commission, whose duties, powers and functions include the development of a planning process and advising the governing bodies of Oconee County concerning planning matters as provided in Title VI, Chapter 29 of the South Carolina Code of Laws, Annotated; and

WHEREAS, Ordinance 95-3 amended Ordinance 79-17 whereas to create the Oconee County Economic Development Commission and provide for the functions, powers and duties of said Commission; and

WHEREAS, the governing body of Oconee County, upon recommendation of the Oconee County Economic Development Commission, wishes to replace Ordinance 95-3,

NOW THEREFORE, BE IT ORDAINED, that Ordinance 79-17 and Ordinance 95-3 are hereby rescinded and replaced by Ordinance 2005-15 as follows:

Section 1: Name, Purpose, Effective Date

This Ordinance shall be known, in addition to its number, as "An Ordinance Reorganizing the Oconee County Economic Development Commission and Providing for the Function, Power and Duties Thereof" and shall be effective upon Third and Final reading. The purpose of this Ordinance is to make changes to Ordinance 95-3 and thereby replace said Ordinance.

Section 2: Membership

The membership of the Oconee County Economic Development Commission shall be composed of five (5) members. Each County Council member will

appoint one (1) member from their respective district to the Commission. The Commission will elect one of the appointed members to serve a two year term as Chairperson. If after an appointment of a member to represent a particular Council District of Oconee County to this Commission, such District is altered then such member shall continue to serve thereon for the remainder of the term to which he/she is appointed. In the event the County be further divided into additional districts, additional appointments of members to the Commission to represent the newly created district(s) may be made by County Council without further action.

Should any member of this Commission move and establish residence outside the County or the District where such member was residing at the time of the appointment to the Commission, such moving shall constitute a resignation by the Member and a replacement Member shall be appointed to fill the unexpired term of such resigned Member.

Non-voting Ex-Officio Members from the following agencies and organizations shall be invited to serve on the Economic Development Commission by virtue of their positions of importance to the County:

- Oconee County Administrator
- President, Tri-County Technical College
- Superintendent, School District of Oconee County
- President/CEO, Oconee Memorial Hospital
- (Officer/BOD), Clemson University (Or as specified by the President of Clemson University)
- Oconee County Sewer Commission Superintendent
- Director, Oconee County Planning Commission
- Representative, Oconee Alliance

Additional Ex-Officio Members may be added by a majority vote of the Oconee County Council.

Section 3: Term of Members

Each appointed Member shall serve for a term of four (4) years, EXCEPT that the individual term of those members selected to represent Districts Two (2), Four (4) and Five (5) shall be for a period of two (2) years and for Districts One (1) and Three (3) shall be for a period of four (4) years, and thereafter all members shall serve for a four (4) year term or until their successors in office are duly appointed. No Members will serve more than 12 consecutive years on the Commission and no Member will hold the same office for more than six (6) consecutive years.

If or in the event any Member of the Commission shall fail to attend fifty (50%) percent of the regularly scheduled meetings within a period of twelve (12) calendar months, he/she shall be deemed to have resigned his/her position and

may be replaced without notice by action of Oconee County Council. If absences are excused by the Chairperson of the Commission, this provision may be waived.

Section 4: Removal of Members

Appointed Members of the Oconee County Economic Development Commission may be removed at any time by a majority vote of the Oconee County Council for cause, conflict of interest, or any action or activity that discredits the County and/or Commission.

Section 5: Training

Each member of the Oconee County Economic Development Commission shall be encouraged to attend the South Carolina Economic Developers' School, "Introduction to Economic Development" Session I. Tuition, food, travel and lodging expenses for the training is to be compensated through the Economic Development Commission Fiscal Year Budget.

Section 6: Organizations, Meetings, Officers

The Oconee County Economic Development Commission shall meet at the call of the Chairperson and at such times as the Chairperson or Commission may determine.

The Director of the Oconee County Economic Development Commission shall be an employee of the County and shall serve at the pleasure of the County Administrator. He shall not have the right to vote.

At the January meeting of each even-numbered year, there shall be elected a Chairperson and a Vice Chairperson from the appointed Commission Members, together with such other officers as the Commission may deem necessary, and these officers will serve for a period of two (2) years or until their successors are duly elected and qualified. Vacancies in any such office by reason of death, resignation or replacement shall be filled for the unexpired term of the officer whose position becomes vacant. The Director or the Administrative Assistant of the Economic Development Commission shall serve as Secretary of the Commission.

The Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, determinations and recommendations to the Oconee County Council. The media and public shall be notified of all meetings. The Economic Development Director may purchase equipment and supplies and may employ or contract for such staff and such experts as he/she considers necessary and consistent with funds appropriated by the County Council and approved by the County Administrator.

Section 7: Powers and Duties

The duties of the Oconee County Economic Development Commission shall be, inter alia, as follows:

- (a) To advise Oconee County Council on any matter affecting the industrial and/or economic development of Oconee County. Such advice shall be made in the form of a written report to Council. Reports shall be presented to the Chair of Oconee County Council, and the County Administrator or their designees within a reasonable time.
- (b) To participate in the formulation of the budget and budgetary appropriations affecting the area of concern of this Commission.
- (c) To prepare plans and recommendations to Oconee County Council and the County Administrator in the area of its activity, with recommendations for the implementation of such plans.
- (d) To advise and recommend the employment of or the removal of Commission employees to the County Administrator.
- (e) To perform such additional duties and functions as shall be prescribed by the County Administrator and/or County Council.
- (f) To institute a program for the encouragement of current industries to remain and expand when the economy permits and for new industrial operations to locate in the County, so as to provide additional jobs and places of employment for County citizens.
- (g) To recommend ordinances of county-wide application that would encourage planning and growth of the County, both in population and in business and industrial base.
- (h) To confer and cooperate with other local, regional, state and federal agencies in the development and improvement of industrial and economic development in Oconee County to the extent such cooperation is authorized by this Ordinance.

Any advice or recommendations to Oconee County Council may be prepared and presented orally by the Chairman of the Commission at a regularly scheduled meeting of Council after due notice for agenda purposes, or in writing forwarded to the Chairman of the Oconee County Council and the County Administrator for dissemination to Council Members.

Section 8: Reimbursements

Each member of the Oconee County Economic Development Commission shall be reimbursed for expenses for out-of-county travel, food, lodging and registration at Economic Development related events. Any expense for same shall be first approved by the County Administrator of the County, unless the same is made by the Chairperson of the Commission and submitted for approval and payment to the County Council. In no event shall any member of the Commission be entitled to any other compensation, direct or indirect, for services on the Commission. Members of the Commission shall not provide any services to the Commission nor provide any services, materials, products, goods or equipment to the County unless the same is sold or offered for sale in accordance with existing County and State purchasing procedures.

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 9/14/05
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Setoff Debt Collection

BACKGROUND OR HISTORY:

The Setoff Debt Collection Act allows the Department of Revenue to deduct from any tax refund a sum due and owing a qualified claimant agency.

SPECIAL CONSIDERATIONS OR CONCERNS:

Approval to authorize the South Carolina Association of Counties to serve as Oconee County's claimant agent, pursuant to the Setoff Debt Collection Act of 2003 in the collection of "aged" tax debt due the county.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Approve a resolution to accept the memorandum of understanding and agreement between the County and the South Carolina Association of Counties.

FINANCIAL IMPACT:

There is no cost to the county. This program should assist our collection efforts of "aged" tax debt.

ATTACHMENTS:

Submitted or Prepared By:


Brenda A. Stewart
Department Head/Elected Official

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/Initials:

 County Attorney

 Finance

Other:

C: Clerk to Council

FYI
For Your Information

State of South Carolina
County of _____

A Resolution

TO APPROVE THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE COUNTY AND THE SOUTH CAROLINA ASSOCIATION OF COUNTIES RELATING TO THE SOUTH CAROLINA ASSOCIATION OF COUNTIES BEING AUTHORIZED AND DESIGNATED AS THE CLAIMANT AGENT FOR THE COUNTY PURSUANT TO THE SETOFF DEBT COLLECTION ACT OF 2003, AS AMENDED.

WHEREAS, the Setoff Debt Collection Act of 2003, as amended (South Carolina Code Section 12-54-410), allows the South Carolina Department of Revenue to render assistance in the collection of delinquent accounts or debts owing to the County; and,

WHEREAS, the _____ wishes to increase the collection rate of debts that are due and owing to the SPD by availing itself of the Setoff Debt Collection Act of 2003, as amended,

WHEREAS, the Board of Directors has reviewed and approved the Memorandum of Understanding and Agreement designating the South Carolina Association of Counties to serve as the claimant agent;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of _____, in session assembled that the Memorandum of Understanding and Agreement between the SPD and the South Carolina Association of Counties relating to the Association serving as the claimant agent pursuant to the Setoff Debt Collection Act of 2003, as amended, is approved. A copy of the Memorandum of Understanding and Agreement is incorporated herein by reference.

Adopted this _____ day of _____,

Attest: _____

Clerk to Board of Directors

Chairman of the Board

CHAPTER 56.

SETOFF DEBT COLLECTION ACT

SECTION 12-56-10. Short title.

This chapter may be cited as the "Setoff Debt Collection Act".

SECTION 12-56-20. Definitions.

As used in this chapter:

(1) "Claimant agency" means a state agency, board, committee, commission, public institution of higher learning, political subdivision, or other governmental or quasi-governmental entity of any state or the United States. It includes the South Carolina Student Loan Corporation, housing authorities established pursuant to Articles 5, 7, and 9 of Chapter 3 of Title 31 and the Internal Revenue Service, and the United States Department of Education. It also includes a private institution of higher learning for the purpose of collecting debts related to default on authorized educational loans made pursuant to Chapter 131, 113, or 115 of Title 59. "Political subdivision" includes the Municipal Association of South Carolina and the South Carolina Association of Counties when these organizations submit claims on behalf of a county or local governmental or quasi-governmental entity. A political subdivision who submits a claim through an association is a claimant agency for the purpose of the notice and appeal provisions and other requirements of this chapter.

(2) "Department" means the South Carolina Department of Revenue.

(3) "Debtor" means a person having a delinquent debt or account with a claimant agency which has not been adjusted, satisfied, or set aside by court order, or discharged in bankruptcy.

(4) "Delinquent debt" means a sum due and owing a claimant agency, including collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made. It does not include sums owed to county hospitals when the hospital and the debtor have entered into a written payment agreement and the debtor is current in meeting the obligations of the agreement. "Delinquent debt" also includes any fine, penalty, cost, fee, assessment, surcharge, service charge, restitution, or other amount imposed by a court or as a direct consequence of a final court order which is received by or payable to the clerk of the appropriate court or treasurer of the entity where the court is located.

(5) "Refund" means any individual or corporate South Carolina income tax refund payable. This term also includes a refund belonging to a debtor resulting from the filing of a joint income tax return.

SECTION 12-56-30. Collection of debt: information to be given by claimant agency; information to be given by department to claimant agency.

(A) The collection remedy under this chapter is in addition to any other remedy available by law.

(B) Claimant agencies may submit for collection under the procedure established by this chapter all delinquent debts which they are owed.

(C) All claimant agencies, whenever possible, shall obtain the full name, social security number, address, and any other identifying information, required by regulations promulgated by the department for implementation of this chapter, from any person for whom the agencies provide any service or transact any business and who the claimant agencies can foresee may become a debtor under the terms of this chapter.

(D) Upon request from a claimant agency, the department shall furnish the claimant agency the home address, corrected Social Security number or additional Social Security number of any taxpayer whose name has been submitted to the department for collection of a delinquent debt.

SECTION 12-56-40. Choice of claimant agency as to use of or participation in setoff program.

If the claimant agency determines that the administrative cost of utilizing this chapter is prohibitive, it may choose not to participate in the setoff program, or it may choose to participate only in cases of delinquent debts above an amount it determines appropriate.

SECTION 12-56-50. Department to assist in collection of account or debt by setoff of any refunds due to debtor.

Subject to the limitations contained in this chapter, the department, upon request, shall render assistance in the collection of any delinquent account or debt owing to any claimant agency by setting off any refunds due the debtor from the department by the sum certified by the claimant agency as delinquent debt.

SECTION 12-56-60. Notification by claimant agency; refund determinations; department liability.

(A) A claimant agency seeking to attempt collection of a delinquent debt through setoff shall notify the department in writing and supply information the department determines necessary to identify the debtor whose refund is sought to be set off. A request for setoff may be made only after the claimant agency has notified the debtor of its intention to cause the debtor's refund to be set off not less than thirty days before the claimant agency's request to the department. The claimant agency promptly shall notify the debtor when the liability out of which the setoff arises is satisfied. The claimant agency promptly shall notify the department of a reduction in the delinquent debt.

(B) Upon receiving the certification of the claimant agency of the amount of the delinquent debt, the department shall determine if the debtor is due a refund. If the debtor is due a refund of more than a tolerance amount as determined by the department, the department shall set off the delinquent debt against the amount of the refund. The department may retain an amount not to exceed twenty-five dollars of each refund set off to defray its administrative expenses, and that amount may be added to the debt. Apportionment is not required in the case of a refund resulting from filing a joint return. A person has no property right or property interest in a refund until all amounts due the State and claimant agencies are paid. The department shall consider a delinquent debt and debtor list provided by a claimant agency as correct and the department is not liable for a wrongful or improper setoff.

SECTION 12-56-62. Notice of intention to set off debt, form, delivery and presumption.

The notice of intention to set off must be given by mailing the notice, with postage prepaid, addressed to the debtor at the address provided to the claimant agency when the debt was incurred or at the debtor's last known address. The giving of the notice by mail is complete upon the expiration of thirty days after deposit of the notice in the mail. A certification by the claimant agency that the notice has been sent is presumptive proof that the requirements as to notice are met, even if the notice actually has not been received by the debtor. The notice must include a statement of appeal procedures available to the debtor, substantially as follows:

"According to our records, you owe the (claimant agency) a debt in the amount of (amount of the debt), plus interest, if applicable, for (type of debt). You are hereby notified of the (claimant agency's) intention to submit this debt to the South Carolina Department of Revenue to be set off against your individual income tax refunds until the debt is paid in full. Pursuant to the Setoff Debt Collection Act, this amount, plus all costs, will be deducted from your South Carolina individual income tax refunds unless you file a written protest within thirty days of the date of this notice. If you file a joint return with your spouse, this amount will be deducted from the total joint refunds without regard to which spouse incurred the debt or actually withheld the taxes. The protest must contain the following information:

(F) If the claimant agency determines that money has been erroneously or illegally collected, the claimant agency, in its discretion, may issue a refund, even if the debtor does not file a protest or file a claim for refund.

(G) A collection may not be contested more than one year after the date it was made. The date of collection must be conclusively determined by the department. This provision must be construed as a statute of repose and not as a statute of limitation.

(H) A debtor may make a claim for refund of an amount collected pursuant to this chapter within one year from the date the amount is collected, in the same manner as seeking relief from a hearing officer's determination pursuant to Section 12-56-65 or 12-56-67.

SECTION 12-56-67. Jury trial rights.

This section does not create a right to jury trial where one does not already exist. Where a debtor otherwise is entitled to have a jury determine the issue of indebtedness, that right is preserved specifically. If a right to a jury trial already exists and the debtor wishes to exercise that right, the debtor is not required to request a contested case hearing before the Administrative Law Judge Division but instead must file a summons and complaint in the Court of Common Pleas and serve the pleadings on the claimant agency within thirty days from the date of the hearing officer's determination. The summons and complaint must name the claimant agency as a defendant and the allegations of the complaint must contest the debt and any potential setoff.

SECTION 12-56-70. Priority of claims to refund.

Claims to refunds allowed to be set off under this article must be made by a claimant agency filing a written notice with the department of its intention to effect collection through setoff under this article. The following is the order of priority for multiple claims filed:

- (1) claims of the Department of Revenue;
- (2) claims of the Division of Child Support Enforcement of the State Department of Social Services;
- (3) other claims of the State Department of Social Services and other state agencies;
- (4) claims of the Internal Revenue Service and claims filed by institutions of higher learning;
- (5) claims of other agencies not given a specific priority.

Priority within a class in which multiple claims are filed is the order in time in which the claimant agencies filed the written notices with the department of the intention to effect collection through setoff under this article.

SECTION 12-56-80. Proceeds collected transmitted to agency; accounting provided by department to agency; credit to debtor's obligation by agency; notification of agency to debtor of setoff.

(A) Simultaneously with the transmittal of proceeds collected to a claimant agency, the department shall provide the agency with an accounting, which, whenever possible, must include the full names of the debtors and the debtors' social security numbers. No federal tax return information may be divulged by the department under any circumstances.

(B) Upon receipt by a claimant agency of proceeds collected on its behalf by the department and an accounting thereof as specified under this section, the agency shall credit the debtor's obligation and shall notify the debtor in writing of the amount of the setoff.

SECTION 12-56-90. Information from department to be used only by agency for collection purposes; penalties for disclosure.

(A) The exchange of information among the department, claimant agency, and the debtor pursuant to this chapter is lawful.

- (1) your name;
 - (2) your address;
 - (3) your social security number;
 - (4) the type of debt in dispute; and
 - (5) a detailed statement of all the reasons you disagree with or dispute the debt.
- The original written protest must be mailed to the (claimant agency) at the following address:
(address of the entity requesting the setoff).

SECTION 12-56-63. Protest procedure; administrative fees.

- (A) A debtor who protests the debt shall file a written protest with the claimant agency at the address provided in the claimant agency's notification of intention to set off. The protest must be filed within thirty days of the date of the notice of intention to set off and must contain the debtor's name, address, and tax identification number, identify the type of debt in dispute, and give a detailed statement of all the reasons that support the protest. The requirements of this section are jurisdictional.
- (B) To recover costs incurred by the Municipal Association of South Carolina and the South Carolina Association of Counties for submitting a debt pursuant to this chapter and Section 12-4-580 to the department for collection, the association may charge an administrative fee, not to exceed twenty-five dollars, that must be added to the debt. An association is exempt from the notice and appeal procedures of this chapter. The entity that has submitted its claim through the association is responsible for the notice and hearing requirements of this chapter.

SECTION 12-56-65. Protest and contested case hearings; refunds; erroneous retention or set off; time limit.

- (A) Before submitting a debt to the department, the claimant agency shall appoint a hearing officer to hear a protest of a debtor. This hearing officer is vested with the authority to decide a protest in favor of either the debtor or the claimant agency. The claimant agency shall certify to the department, on a form prescribed by the department, that a hearing officer has been appointed and shall inform the department of the name, address, and telephone number of the hearing officer. If this hearing officer is unable to serve at any time, the claimant agency shall appoint another hearing officer.
- (B) Upon receipt of a notice of protest, the claimant agency shall notify the department that a protest has been received and shall hold an informal hearing at which the debtor may present evidence, documents, and testimony to dispute the debt. The claimant agency shall notify the debtor of the date, time, and location of the informal hearing. At the conclusion of the informal hearing, the hearing officer shall render his determination. Upon receipt of a sworn certification from the hearing officer that he held an informal hearing and ruled in favor of the claimant agency, the department may proceed to collect the delinquent debt regardless of a subsequent appeal by the debtor.
- (C) A debtor may seek relief from the hearing officer's determination by requesting, within thirty days of the determination, a contested case hearing before the Administrative Law Judge Division. A request for a hearing before the Administrative Law Judge Division must be made in accordance with its rules.
- (D) If a portion of the delinquent debt is collected by the department and the determination of the hearing officer in favor of the claimant agency is later reversed or the debtor prevails in a claim for refund, the claimant agency shall refund the appropriate amount to the taxpayer, including the appropriate amount of the fee. That portion of the refund reflecting the department's fee must be paid from claimant agency funds. If the claimant agency is found to be entitled to a portion of an amount collected by set off, it is not required to refund the setoff fee retained by the department.
- (E) If a refund is retained in error, the claimant agency shall pay to the taxpayer interest calculated as provided in Section 12-54-20 from the date provided by law after which interest is paid on refunds until the appeal is final, except that interest does not accrue when the claimant agency is the Office of Child Support Services of the South Carolina Department of Social Services.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

SOUTH CAROLINA)
ASSOCIATION OF COUNTIES)

(SCAC)

AND

(Name of Claimant Agency)

MEMORANDUM OF
UNDERSTANDING AND AGREEMENT

PARTICIPATION
IN THE
SETOFF DEBT
COLLECTION PROGRAM

This AGREEMENT is made and entered into this _____ day of _____, 2005, by and between the above referenced Claimant Agency and the South Carolina Association of Counties (SCAC) in furtherance of Act No. 114, 1999 S.C. Acts codifying the 1999 amendments to the Setoff Debt Collection Act, S.C. Code §12-56-10 *et seq.*

WHEREAS, the Setoff Debt Collection Act, S.C. Code §12-56-10 *et seq.* (2003), authorizes the South Carolina Department of Revenue, hereinafter Department, to render assistance to collect any delinquent account or debt owing to any Claimant Agency by the Department's setting off any income tax refunds due a debtor by the sum certified by the Claimant Agency as a delinquent debt; and

WHEREAS, THE Claimant Agency desires to enter into this Agreement with SCAC in order to participate in the Setoff Debt Collection Act in increase the collection rate of delinquent debts owed to Claimant Agency; and

WHEREAS, SCAC is a political subdivision for purposes of the Setoff Debt Collection Act and is authorized to submit claims on behalf of its members, other political subdivisions and Claimant Agencies as defined in S.C. Code §12-56-10 *et seq.* (1999);

NOW, THEREFORE in consideration of the mutual covenants and agreements, terms and conditions contained herein, it is hereby understood and agreed by and between the Claimant Agency and SCAC that:

1. The Claimant Agency is a state agency, board, committee, commission, public institution of higher learning, political subdivision of the State of South Carolina, South Carolina Student Loan Corporation, a housing authority established pursuant to Articles 5, 7, and 9 of Chapter 3 of Title 31 of the South Carolina Code or a member of SCAC and is authorized to participate in the Setoff Debt Collection Act.

2. The Claimant Agency hereby designates, appoints, and authorizes SCAC to process for submission to the Department the Claimant Agency's delinquent debts.

Delinquent debt means any sum due and owing Claimant Agency, including collection costs and administrative fees, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made. Delinquent debt does not include sums owed to a county hospital when the hospital and the debtor have entered into a written payment agreement and the debtor is current in meeting the obligations of the agreement.

3. SCAC agrees to submit delinquent debts to the Department. The Claimant Agency is responsible for complying with the notice and appeal provisions and other requirements of the Setoff Debt Collection Act.

4. Upon execution of this Agreement, Claimant Agency shall file a "Participation Form" with SCAC designating a Setoff Debt Coordinator with SCAC. The Setoff Debt Coordinator shall be the designated contact between SCAC and Claimant Agency for all communications and is authorized by Claimant Agency to carry out the requirements of the Setoff Debt Collection Act, S.C. Code §12-56-10 *et seq.* (2003). The Setoff Debt Coordinator shall supply SCAC with any and all information which in the opinion of SCAC is necessary for the proper implementation of this Agreement.

5. The Claimant Agency shall use SCAC's "Entity User Setoff Debt Software Program" or an ASCII file or Excel file layout specified by SCAC to prepare diskettes or electronic transfer files referred to herein as "debt files" and "adjustment to debt files." If, in the opinion of SCAC, changes to the "Entity User Setoff Debt Software Program" or specifications for an ASCII file or Excel file are necessary to carry out this program, SCAC shall timely notify the Claimant Agency. The Claimant Agency covenants and agrees that it shall immediately implement any changes required by SCAC.

SCAC shall not accept a debt file or adjustment to debt file that is not prepared as specified by SCAC. SCAC will accept debt files on diskettes or files that are electronically transferred through SCAC's File Transfer Protocol (FTP) software. Paper hard copies shall not be accepted.

Each "debt file" submitted to SCAC is deemed to bear a certification that the debts are owed and due the Claimant Agency, for which prior efforts to collect have been made, and which Claimant Agency instructs SCAC to submit to the Department for collection from a debtor's tax refund. Each "adjustment to debt

file" is deemed an authorization to SCAC to notify Department to reduce a previously submitted debt to the amount stated. A "debt file" and an "adjustment to debt file" shall have the certification provided in paragraph 6 affixed to it.

6. SCAC is not, and shall not be liable for a wrongful or improper setoff. Each "debt file," supplemental "debt file" or "adjustment to debt file" shall have affixed to it a "Certification Form" provided by SCAC which states:

"I hereby certify that the Claimant Agency for whom the attached data diskette was prepared has complied with all the requirements of the Setoff Debt Collection Act; that the Claimant Agency has properly given each individual debtor whose name appears in the data diskette the notice of intention to set off and the Claimant Agency's appeal procedures pursuant to S.C. Code §12-56-62; that the information contained in the attached data diskette has been reviewed by me and is, to the best of my knowledge and belief, true, correct, and complete."

7. Not less than thirty (30) days before filing a debt file with SCAC, Claimant Agency shall provide the debtor with the statutory notice advising the debtor of Claimant Agency's intention to cause the debtor's tax refund to be set off.

8. Only after the required statutory thirty (30) day notice is provided to debtor by Claimant Agency may Claimant Agency transmit a "debt file" to SCAC. Debt files shall be received in the SCAC offices on or before November 1 of the preceding calendar year in which the refund would be paid.

9. Upon receipt of Claimant Agency's "debt file," SCAC shall compile the information and submit the data to the Department on or before the close of business on December 15.

10. Debts totaling less than fifty (\$50.00) dollars per individual may not be submitted.

If a debtor is due a refund of more than twenty-five dollars (\$25.00), the Department sets the tax refund off in the amount of the delinquent debt plus twenty-five dollars (\$25.00).

Pursuant to the S.C. Code § 12-56-63 of the Setoff Debt Collection Act, as amended, the South Carolina Department of Revenue shall add to each debt setoff the sum of \$25 to defray its administrative cost, and SCAC, as claimant agent for the Entity, shall add \$25 to each "successful interception" as provided below, which shall be retained by SCAC to defray its administrative costs.

"Successful interception" means the Department matched a debt submitted by SCAC against a tax refund for interception and payment towards a delinquent debt owed to Claimant Agency. Payment shall be made as provided in paragraph 11.

11. Payment to SCAC by Claimant Agency for each successful interception is made as follows. SCAC will add the amount of the debt due Claimant Agency in the amount of twenty-five dollars (\$25.00) and retain said twenty-five dollars (\$25.00), provided, however, SCAC will not collect more than twenty-five dollars (\$25.00) from any one individual in a calendar year.

12. In the event of partial payment of a delinquent debt, the balance of the debt may be submitted in a following year and twenty-five dollars (\$25.00) shall be paid to SCAC for successful interception of a tax return in a subsequent year notwithstanding the previous year's interception and payment.

13. Claimant Agency acknowledges that Claimant Agency is responsible for the notice and hearing requirements of the Setoff Debt Collection Act and that SCAC is exempt from these provisions of the Setoff Debt Collection Act. The Claimant Agency affirms to SCAC that it will comply with the notice and hearing

procedures required by S.C. Code §12-56-10 et seq.

14. The Claimant Agency shall file an "Appointment of Hearing Officer" form with SCAC certifying the appointment of a hearing officer. If the appointed hearing officer is unable to serve at any time, the Claimant Agency shall appoint another officer and file a new "Appointment of Hearing Officer" form with SCAC.

15. Within seven (7) calendar days of Claimant Agency's receipt of a debtor's Notice of Protest, the Claimant Agency shall send the Notice of Protest to the Department and send a copy to SCAC. At the same time, Claimant Agency shall notify SCAC with an "adjustment to debt file" diskette marking the protested delinquent debt as a protest account.

The Claimant Agency shall conduct a protest hearing in conformity with S.C. Code §12-56-65 and shall provide the Department and SCAC with a copy of the "Certification of Hearing" and "Decision of Hearing Officer" no later than seven (7) calendar days from the date these forms are executed by the hearing officer. If further appeal is taken, Claimant Agency shall immediately file copies of all pleadings and papers with the Department and SCAC.

Upon resolution of a protest, Claimant Agency shall notify SCAC of the resolution of the protest by sending an "adjustment to debt file" diskette either reducing the balance or taking the debt out of protest status.

16. If the Claimant Agency is found to be entitled to no part of the amount of a setoff, it shall make a refund to the debtor in an amount equal to the amount of the debt plus the fee paid to the Department and the fee paid to SCAC along with interest, if any, as required by the Setoff Debt Collection Act.

17. SCAC shall remit to the Claimant Agency through a check or an electronic bank deposit funds received from the Department

within a reasonable time from the date of receipt from the Department. Thereafter, SCAC shall provide the Claimant Agency an accounting of the funds collected which will include the name of the debtor, the debtor's social security number, and the amount of the setoff. The Claimant Agency shall provide debtors with proper notice of payment and balance, if any, as required by the Setoff Debt Collection Act.

18. The Claimant Agency shall hold SCAC free and harmless and shall indemnify SCAC against any and all damages, claims, causes of action, injuries, actions, liabilities, or proceedings arising from the performance of SCAC.

19. This Memorandum of Understanding and Agreement shall remain and continue in full force

and effect from year to year unless modified or terminated in writing by either party upon ninety (90) days written notice to the other party, provided, however, that any debts submitted by the Claimant Agency to SCAC shall continue to be covered under the terms and conditions of the agreement until SCAC is notified by the Department that it has completed the collection cycle for that setoff year.

20. This Memorandum of Understanding is solely between SCAC and the Claimant Agency and is not intended to benefit any other person or entity. No debtor and/or taxpayer or their spouse, family member, successor or assign is intended to be a third party beneficiary of this Memorandum of Understanding.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding and Agreement to be properly executed on the day and year first above written.

Attest:

On Behalf of the Claimant Agency:

By:

Signature _____

Printed Name _____

Title _____

Address _____

Telephone Number: _____

On behalf of the S.C. Association of Counties:

By: _____

Michael B. Cone, Executive Director
Post Office Box 8207
Columbia, SC 29202
(803) 252-7255

At Columbia, South Carolina this _____ day of _____, 2005

When Mr. Lyles first invented his "spider" to represent Oconee County, I believed that "Oconee" was a Cherokee word. However, I had heard other translations of the word that seemed more appropriate, so I decided to do a little research. I found the Cultural Resource Center of the Cherokee Nation. Please note that this is not the "Western Band" or the "Eastern Band". This is "Cherokee Nation" and is located at Oklahoma University with an excellent reputation as an authority. After an exchange of notes, they told me the following: "We have come to the conclusion that unless this is a variation of some other word, it has to be a word utilized by another tribe other than Cherokee." Mr. Lyles counters this data from Oklahoma University by saying the "Eastern Band" language is different from the "Western Band". That does not stand up to academic logic. The county was named approximately 40 years after the "Trail of Tears". A language of a nation does not change that fast, especially when they are not meeting as a group but are hiding in the woods to escape relocation. This information sent me off on a deeper study.

I spent several weeks of spare time on the Internet researching the word "Oconee" and the probable phonetic "Akoni". It would take hundreds of pages to document everything that I found, and there is no completely definitive answer. However, what I have found is a probable connection of the word to the Hitchiti (Mikasoki) language, a dialect of Muscogee (Creek). Now, if that is correct, how did the name get to our County?

The Hitchiti tribe, who spoke this language, was abundant in the Anderson area after the "Trail of Tears" and the Creek Indian wars. Apparently they were small enough, adequately remote to the two nations, and sufficiently integrated to have not been moved west. (They eventually moved south and joined with the Seminoles.) When the Anderson District was dissolved into three counties, the name was selected, not here, but in the Anderson District. How natural to pick an Indian word meaning "Land of Swings". This is the translation that Oconee County, GA accepts for their County.

These facts are disputed by a claim that the symbol was "approved" by the Eastern Band of the Cherokee. First, let us put the record straight. The Cherokee group that was approached is officially called "The Eastern of the Cherokee of the Oconaluftee Village". This "city council" is quite a bit different from the full "Eastern Band". What they agreed to is that Mr. Lyles' "spider" design looks like a Cherokee symbol probably would and the translation Mr. Lyles proposed sounded logical (most Indian tribes used place names that reflected land on which they were located). The supposition certainly fails the standards of academic proof.

Probably the best proof of my contention is in plain logic, with no regard to academic research. In our entire area there is not one single thing named "Oconee". Our area was known to the Cherokee as Keowee, meaning "Land of the Mulberry". On the other hand, if you go to Georgia, you will find "Oconee Old Town" (an Indian village from 1687-1715) and the Oconee River (going back to the first contact with Europeans - the name was mentioned in the journals of Hernando De Soto in some accounts). Most convincing of all, is the Muscogee tribe, the Oconee (Akoni). These differences in the use of the name would clearly infer that the Creek were much closer to the word "Oconee" than were the Cherokee.

It is unconscionable to present the citizens of our county with a history lesson that is not substantiated by available data. Do you really want to know the origin of our county name? If so, do not waste time with ramblings. Go to the Pendleton Historic Center and look at their archives. Go to Columbia and dig through the archive at the state library. If instead of following an uneducated sham, you will study historic fact, you will clearly see from where the name came. Maybe then, we can sink a "ship of fools" and move forward with an intelligent history of our great county. Every day that this sham is perpetuated will only make it that much more embarrassing when you finally have to admit the error.

Steve Soko?

HORSE-SENSE Two dads respected & successful

Start - SPIDER BEHIND YOU - H-S

Year and half Caucasian - Cherokee City Council - Creek word - Handout

FLAG SLIPPED IN - OUTSIDE PROCEDURE - H-S

Ugliest flag in state - Honorable contest/dishonorable result

Good ole boy system alive and well after you ran against it

Personal friends ahead of public interest

Borders on corruption

Info: see 1/3/2010

Now Econdev - SPEC BLDG NOT FINISHED - H-S

By definition - stopped clock is right twice a day

FIVE YEARS - ONE NEW INDUSTRY - H-S

Something wrong Expanded two but lost a biggie - Excuses

Sound familiar

OFFICE PARK - SPEC BLDG - INDUSTRIAL PARK - H-S

Fastest growing budget in the County - lots of fancy conferences

Hugh/Herschel - Don't throw good money after bad - cut your losses

OCONEE ALLIANCE - H-S

Neal Workman - All are vendors to new industry and not people understand search

The approach is wrong - need plan - no one will listen

On to budget

BUDGET TOO HIGH - H-S

Budget only matches Expense to Revenue - You have just asked for too much

Complain about the budget and BTW add \$75000 for the museum

Attorneys

IN-HOUSE COUNSEL IS TOO EXPENSIVE - H-S

Nothing to do with Brad -

Inhouse counsel is a fixed expense - may have to work overtime (unpaid)

Out-house counsel gets paid to correct every mistake they make.

Some H-S

Making Purchasing Bidders Conferences an open dialogue - lets do more

→ Raney - Exercise - Tape - Dinner - Show

Only ask to preserve this wonderful so my grandkids can enjoy it as much as I do

Work week discussion